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Northampton Mass











ACTS

AND

RESOLVES

PASSED BY THE

General Court of Massachusetts,

IN THE YEAR

1885,

TOGETHER WITH

THE CONSTITUTION, THE MESSAGES OF THE GOVERNOR  
LIST OF THE CIVIL GOVERNMENT, CHANGES  
OF NAMES OF PERSONS,  
ETC., ETC.

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A CONSTITUTION  
OR  
FORM OF GOVERNMENT  
FOR THE  
Commonwealth of Massachusetts.

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P R E A M B L E.

THE end of the institution, maintenance, and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying in safety and tranquillity their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity, and happiness.

Objects of  
government

The body politic is formed by a voluntary association of individuals: it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation and a faithful execution of them; that every man may, at all times, find his security in them.

Body politic  
how formed  
its nature.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of His providence, an opportunity, deliberately and peaceably, without fraud, violence, or surprise, of entering into

an original, explicit, and solemn compact with each other ; and of forming a new constitution of civil government, for ourselves and posterity ; and devoutly imploring His direction in so interesting a design, do agree upon, ordain, and establish, the following *Declaration of Rights, and Frame of Government*, as the CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS.

## PART THE FIRST.

### *A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.*

Equality and natural rights of all men.

ARTICLE I. All men are born free and equal, and have certain natural, essential, and unalienable rights ; among which may be reckoned the right of enjoying and defending their lives and liberties ; that of acquiring, possessing, and protecting property ; in fine, that of seeking and obtaining their safety and happiness.

Right and duty of public religious worship. Protection therein.  
2 Cush. 104.  
12 Allen, 129.

II. It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great Creator and Preserver of the universe. And no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping GOD in the manner and season most agreeable to the dictates of his own conscience ; or for his religious profession or sentiments ; provided he doth not disturb the public peace, or obstruct others in their religious worship.

Amendment, Art. XI. substituted for this.

III. [As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion, and morality ; and as these cannot be generally diffused through a community but by the institution of the public worship of GOD, and of public instructions in piety, religion, and morality : Therefore, to promote their happiness, and to secure the good order and preservation of their government, the people of this commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require, the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of GOD, and for the support and maintenance of public Protestant teachers of piety, religion, and morality, in all cases where such provision shall not be made voluntarily.]

Legislature empowered to compel provision for public worship ;

And the people of this commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

and to enjoin attendance thereon.

Provided, notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall, at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

Exclusive right of electing religious teachers secured.

And all moneys paid by the subject to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

Option as to whom parochial taxes may be paid, unless, &c.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the commonwealth, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another shall ever be established by law.]

All denominations equally protected. 8 Mct. 162. Subordination of one sect to another prohibited.

IV. The people of this commonwealth have the sole and exclusive right of governing themselves, as a free, sovereign, and independent state; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, which is not, or may not hereafter be, by them expressly delegated to the United States of America, in Congress assembled.

Right of self-government secured.

V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them.

Accountability of all officers, &c.

VI. No man, nor corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children, or descendants, or relations by blood, the idea of a man born a magistrate, lawgiver, or judge, is absurd and unnatural.

Services rendered to the public being the only title to peculiar privileges, hereditary offices are absurd and unnatural.

VII. Government is instituted for the common good; for the protection, safety, prosperity, and happiness of the

Objects of government; right of people to

Institute and change it.

people; and not for the profit, honor, or private interest of any one man, family, or class of men: Therefore the people alone have an incontestible, unalienable, and infeasible right to institute government; and to reform, alter, or totally change the same, when their protection, safety, prosperity, and happiness require it.

Right of people to secure rotation in office.

VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

All, having the qualifications prescribed, equally eligible to office.

IX. All elections ought to be free; and all the inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

122 Mass. 595, 596.

For the definition of "inhabitant," see Ch. I, Sect. 2, Art. II. Right of protection and duty of contribution correlative.

X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty, and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection; to give his personal service, or an equivalent, when necessary: but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this commonwealth are not controllable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

Taxation founded on consent.  
16 Mass. 326.  
1 Pick. 418.  
7 Pick. 344.  
12 Pick. 184, 467.  
16 Pick. 87.  
23 Pick. 300.  
7 Met. 388.  
4 Gray, 474.  
7 Gray, 363.  
14 Gray, 154.  
1 Allen, 150.  
4 Allen, 474.  
Private property not to be taken for public uses without, etc.  
8 Cush. 327.

14 Gray, 155.	12 Allen, 223, 230.	108 Mass. 202, 213.	126 Mass. 423, 441.
16 Gray, 417, 431.	100 Mass. 544, 560.	111 Mass. 130.	127 Mass. 50, 52.
1 Allen, 150.	103 Mass. 120, 124.	113 Mass. 45.	353, 363, 410, 413.
11 Allen, 530.	106 Mass. 356, 362.	116 Mass. 463.	129 Mass. 559.

Remedies, by recourse to the law, to be free, complete and prompt.

XI. Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.

Prosecutions regulated.  
8 Pick. 211.  
10 Pick. 9.  
18 Pick. 434.

XII. No subject shall be held to answer for any crimes or offence, until the same is fully and plainly, substantially, and formally, described to him; or be compelled to accuse,

or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel, at his election. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.

100 Mass. 287, 295.

108 Mass. 5, 6.

122 Mass. 332.

127 Mass. 550, 554.

103 Mass. 418.

118 Mass. 443, 451.

124 Mass. 464.

129 Mass. 559.

107 Mass. 172, 180.

120 Mass. 118, 120.

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty, and property of the citizen.

XIV. Every subject has a right to be secure from all unreasonable searches, and seizures, of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure: and no warrant ought to be issued but in cases, and with the formalities prescribed by the laws.

XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practised, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.

114 Mass. 388, 390.

122 Mass. 505, 516.

125 Mass. 182, 188.

120 Mass. 320, 321.

123 Mass. 590, 593.

128 Mass. 600.

XVI. The liberty of the press is essential to the security of freedom in a state: it ought not, therefore, to be restrained in this commonwealth.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and

21 Pick. 542.

2 Met. 329.

12 Cusb. 246.

1 Gray, 1.

5 Gray, 160.

8 Gray, 329.

10 Gray, 11.

11 Gray, 438.

2 Allen, 361.

11 Allen, 238-

240, 264, 459,

473.

12 Allen, 170.

97 Mass. 570,

573.

Right to trial by jury in criminal cases, except, etc.

8 Gray, 329, 373.

103 Mass. 418.

Crimes to be proved in the vicinity.

2 Pick. 550.

121 Mass. 61, 62.

Right of search and seizure regulated.

Const. of U. S.,

Amend't. IV.

2 Met. 329.

5 Cusb. 369.

1 Gray, 1.

13 Gray, 454.

10 Allen, 403.

100 Mass. 139,

139.

126 Mass. 269,

273.

Right to trial by jury sacred, except, etc.

Const. of U. S.,

Amend't. VII.

2 Pick. 382.

7 Pick. 366.

5 Gray, 144.

8 Gray, 373.

11 Allen, 574,

577.

102 Mass. 45, 47.

Liberty of the press.

Right to keep and bear arms. Standing armies dangerous. Military power subordinate to civil.

5 Gray, 121.

the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

Moral qualifications for office.

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: and they have a right to require of their lawgivers and magistrates an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the commonwealth.

Moral obligations of lawgivers and magistrates.

Right of people to instruct representatives and petition legislature.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

Power to suspend the laws or their execution.

XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

Freedom of debate, etc., and reason thereof.

XXI. The freedom of deliberation, speech, and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

Frequent sessions, and objects thereof.

XXII. The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening, and confirming the laws, and for making new laws, as the common good may require.

Taxation founded on consent.  
8 Allen, 247.

XXIII. No subsidy, charge, tax, impost, or duties ought to be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people or their representatives in the legislature.

*Ex post facto* laws prohibited.  
12 Allen, 421, 424, 428, 434.

XXIV. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free government.

Legislature not to convict of treason, etc.

XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

XXVI. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

Excessive bail or fines, and cruel punishments, prohibited.  
5 Gray, 482.

XXVII. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

No soldier to be quartered in any house, unless, etc.

XXVIII. No person can in any case be subject to law-martial, or to any penalties or pains, by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

Citizens exempt from law-martial, unless, etc.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial, and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well; and that they should have honorable salaries ascertained and established by standing laws.

Judges of supreme judicial court.  
3 Pick. 471.  
1 Gray, 472.  
4 Allen, 591.  
7 Allen, 385.  
105 Mass. 219,  
221, 225.  
Tenure of their office.

Salaries.

XXX. In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men.

Separation of executive, judicial, and legislative departments.  
2 Cush. 577.  
2 Allen, 361.  
8 Allen, 247, 253.  
100 Mass. 282, 286.  
114 Mass. 247, 249.  
116 Mass. 317.  
129 Mass. 559.

## PART THE SECOND.

### *The Frame of Government.*

The people, inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign, and independent body politic, or state, by the name of THE COMMONWEALTH OF MASSACHUSETTS.

Title of body politic.

## CHAPTER I.

## THE LEGISLATIVE POWER.

## SECTION I.

*The General Court.*

Legislative  
department.

For change of  
time, etc., see  
amendments,  
Art. X.

Governor's veto.  
99 Mass. 636.

Bill may be  
passed by two-  
thirds of each  
house, notwith-  
standing.

For exception  
in case of ad-  
journment of  
the general  
court within  
the five days,  
see amend-  
ments, Art. I.  
3 Mass. 507.

General court  
may constitute  
judicatories,

ARTICLE I. The department of legislation shall be formed by two branches, a Senate and House of Representatives; each of which shall have a negative on the other.

The legislative body shall assemble every year [on the last Wednesday in May, and at such other times as they shall judge necessary; and shall dissolve and be dissolved on the day next preceding the said last Wednesday in May;] and shall be styled, THE GENERAL COURT OF MASSACHUSETTS.

II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichever the same shall have originated; who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve. But if after such reconsideration, two-thirds of the said senate or house of representatives, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of a law: but in all such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for, or against, the said bill or resolve, shall be entered upon the public records of the commonwealth.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of a law.

III. The general court shall forever have full power and authority to erect and constitute judicatories and

courts of record, or other courts, to be held in the name of the commonwealth, for the hearing, trying, and determining of all manner of crimes, offences, pleas, processes, complaints, actions, matters, causes, and things, whatsoever, arising or happening within the commonwealth, or between or concerning persons inhabiting, or residing, or brought within the same: whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal, or mixed; and for the awarding and making out of execution thereupon. To which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy or depending before them.

IV. And further, full power and authority are hereby given and granted to the said general court, from time to time to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, and ordinances, directions and instructions, either with penalties or without; so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws for the naming and settling, all civil officers within the said commonwealth, the election and constitution of whom are not hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits, of the several civil and military officers of this commonwealth, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to this constitution; and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said commonwealth; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise, and commodities, whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the governor of this commonwealth for the time being, with the advice and consent of the council, for the public service, in the necessary defence and sup-

courts of record,  
etc.  
8 Gray, 1.  
12 Gray, 147,  
154.

Courts, etc.,  
may administer  
oaths.

General court  
may enact laws,  
etc.  
9 Gray, 426.  
4 Allen, 473.  
12 Allen, 223,  
237.  
100 Mass. 544,  
557.  
116 Mass. 467,  
470.

may enact  
laws, etc., not  
repugnant to  
the constitution.  
6 Allen, 358.

may provide  
for the election  
or appointment  
of officers.  
115 Mass. 602.

may prescribe  
their duties.

may impose  
taxes, etc.  
12 Mass. 252.  
5 Allen, 428.  
6 Allen, 558.  
8 Allen, 247, 253.  
10 Allen, 235.  
11 Allen, 268.  
12 Allen, 77, 223,  
235, 238, 240, 298,  
300, 312, 313, 500,  
612.  
98 Mass. 19.  
100 Mass. 285.  
101 Mass. 575,  
585.  
103 Mass. 267.  
114 Mass. 338,  
391.

116 Mass. 461.  
 118 Mass. 386,  
 389.  
 123 Mass. 493,  
 495.  
 127 Mass. 413.

may impose  
 taxes, etc., to be  
 disposed of for  
 defence, protec-  
 tion, etc.

8 Allen, 247, 256.

Valuation of  
 estates once in  
 ten years, at  
 least, while, etc.  
 8 Allen, 247.

126 Mass. 547.

port of the government of the said commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practised, in order that such assessments may be made with equality, there shall be a valuation of estates within the commonwealth, taken anew once in every ten years at least, and as much oftener as the general court shall order.

For the authority of the general court to charter cities, see amendments, Art. II.

## CHAPTER I.

### SECTION II.

#### *Senate.*

Senate, number  
 of, and by whom  
 elected.

Superseded by  
 amendments,  
 Art. XIII.,  
 which was also  
 superseded by  
 amendments,  
 Art. XXII.

For provision as  
 to councillors,  
 see amend-  
 ments, Art.  
 XVI.

Counties to be  
 districts, until,  
 etc.

ARTICLE I. [There shall be annually elected, by the freeholders and other inhabitants of this commonwealth, qualified as in this constitution is provided, forty persons to be councillors and senators for the year ensuing their election; to be chosen by the inhabitants of the districts into which the commonwealth may, from time to time, be divided by the general court for that purpose: and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known to the inhabitants of the commonwealth the limits of each district, and the number of councillors and senators to be chosen therein; provided, that the number of such districts shall never be less than thirteen; and that no district be so large as to entitle the same to choose more than six senators.]

And the several counties in this commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for the choice of councillors and senators, (except that the counties of Dukes County and Nantucket shall form one district for that purpose) and shall elect the following number for councillors and senators, viz.:—Suffolk, six; Essex, six; Middlesex, five; Hampshire, four; Plymouth, three; Barnstable, one; Bristol, three; York, two; Dukes County and Nantucket, one; Worcester, five; Cumberland, one; Lincoln, one; Berkshire, two.]

II. The senate shall be the first branch of the legislature; and the senators shall be chosen in the following manner, viz.: there shall be a meeting on the [first Monday in April,] annually, forever, of the inhabitants of each town in the several counties of this commonwealth; to be called by the selectmen, and warned in due course of law, at least seven days before the [first Monday in April,] for the purpose of electing persons to be senators and councillors; [and at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate within the commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant.] And to remove all doubts concerning the meaning of the word "inhabitant" in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office, or place within this state, in that town, district, or plantation where he dwelleth, or hath his home.

The selectmen of the several towns shall preside at such meetings impartially; and shall receive the votes of all the inhabitants of such towns present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name: and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the commonwealth for the time being, with a superscription, expressing the purport of the contents thereof, and delivered by the town clerk of such towns, to the sheriff of the county in which such town lies, thirty days at least before [the last Wednesday in May] annually; or it shall be delivered into the secretary's office seventeen days at least before the said [last Wednesday in May:] and the sheriff of each county shall deliver all such certificates by him received, into the secretary's office, seventeen days before the said [last Wednesday in May.]

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for councillors and senators

Manner and time of choosing senators and councillors.  
Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.  
As to cities, see amendments, Art. II.  
These provisions as to the qualifications of voters, superseded by amendments, Arts. III., XX., and XXVIII.  
Word "inhabitant" defined.  
See also amendments, Art. XXIII., which was annulled by Art. XXVI.  
12 Gray, 21.  
122 Mass. 595, 597.

Selectmen to preside at town meetings.

Return of votes

As to cities, see amendments, Art. II.

Time changed to first Wednesday of January.  
See amendments, Art. X.

Inhabitants of unincorporated plantations, who pay state taxes, may vote.

Plantation meetings. Time of election changed by amendments, Art. XV. Assessors to notify, etc.

in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation meetings for that purpose shall be held annually [on the same first Monday in April], at such place in the plantations, respectively, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons living in places unincorporated (qualified as aforesaid) who shall be assessed to the support of government by the assessors of an adjacent town, shall have the privilege of giving in their votes for councillors and senators in the town where they shall be assessed, and be notified of the place of meeting by the selectmen of the town where they shall be assessed, for that purpose, accordingly.

Governor and council to examine and count votes, and issue summonses. Time changed to first Wednesday in January by amendments, Art. X. Majority changed to plurality by amendments, Art. XIV.

III. And that there may be a due convention of senators on the [last Wednesday in May] annually, the governor with five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day he shall issue his summons to such persons as shall appear to be chosen by [a majority of] voters, to attend on that day, and take their seats accordingly: provided, nevertheless, that for the first year the said returned copies shall be examined by the president and five of the council of the former constitution of government; and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.

Senate to be final judge of elections, etc., of its own members. Time changed to first Wednesday of January by amendments, Art. X. Majority changed to plurality by amendments, Art. XIV.

IV. The senate shall be the final judge of the elections, returns and qualifications of their own members, as pointed out in the constitution; and shall, [on the said last Wednesday in May] annually, determine and declare who are elected by each district to be senators [by a majority of votes; and in case there shall not appear to be the full number of senators returned elected by a majority of votes for any district, the deficiency shall be supplied in the following manner, viz.: The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these shall elect by ballot a number of senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled up in

Vacancies, how filled. Changed to election by

every district of the commonwealth; and in like manner all vacancies in the senate, arising by death, removal out of the state, or otherwise, shall be supplied as soon as may be, after such vacancies shall happen.]

V. Provided, nevertheless, that no person shall be capable of being elected as a senator, [who is not seised in his own right of a freehold, within this commonwealth, of the value of three hundred pounds at least, or possessed of personal estate to the value of six hundred pounds at least, or of both to the amount of the same sum, and] who has not been an inhabitant of this commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district for which he shall be chosen.

VI. The senate shall have power to adjourn themselves, provided such adjournments do not exceed two days at a time.

VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.

VIII. The senate shall be a court with full authority to hear and determine all impeachments made by the house of representatives, against any officer or officers of the commonwealth, for misconduct and mal-administration in their offices. But previous to the trial of every impeachment the members of the senate shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office and disqualification to hold or enjoy any place of honor, trust, or profit, under this commonwealth: but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment, and punishment, according to the laws of the land.

IX. Not less than sixteen members of the senate shall constitute a quorum for doing business.

people.  
See amend-  
ments, Art.  
XXIV.

Qualifications of  
a senator.  
Property qual-  
ification abol-  
ished.  
See amend-  
ments, Art.  
XIII.  
For further pro-  
vision as to  
residence, see  
also amend-  
ments, Art.  
XXII.

Senate not to  
adjourn more  
than two days

shall choose  
its officers and  
establish its  
rules.

shall try all  
impeachments.

Oath.

Limitation of  
sentence.

Quorum.  
For further pro-  
visions, see  
amendments,  
Art. XXII.

## CHAPTER I.

### SECTION III.

#### *House of Representatives.*

ARTICLE I. There shall be, in the legislature of this commonwealth, a representation of the people, annually elected, and founded upon the principle of equality.

Representation  
of the people.

Representatives, by whom chosen.  
Superseded by amendments, Arts. XII. and XIII., which were also superseded by amendments, Art. XXI.  
7 Mass. 523.

Proviso as to towns having less than 150 ratable polls.

Towns liable to fine in case, etc.

Expenses of travelling to and from the general court, how paid.

Qualifications of a representative.  
New provision as to residence. See amendments, Art. XXI.  
Property qualifications abolished by amendments, Art. XIII.

Qualifications of a voter.  
These provisions superseded by amendments, Arts. III., XX. and XXVIII. See also amendments, Art. XXIII., which was annulled by Art. XXVI.  
Representatives, when chosen.

II. [And in order to provide for a representation of the citizens of this commonwealth, founded upon the principle of equality, every corporate town containing one hundred and fifty ratable polls may elect one representative; every corporate town containing three hundred and seventy-five ratable polls may elect two representatives; every corporate town containing six hundred ratable polls may elect three representatives; and proceeding in that manner, making two hundred and twenty-five ratable polls the mean increasing number for every additional representative.]

Provided, nevertheless, that each town now incorporated, not having one hundred and fifty ratable polls, may elect one representative; but no place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same one hundred and fifty ratable polls.]

And the house of representatives shall have power from time to time to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this constitution.

The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.

III. Every member of the house of representatives shall be chosen by written votes; [and, for one year at least next preceding his election, shall have been an inhabitant of, and have been seised in his own right of a freehold of the value of one hundred pounds within the town he shall be chosen to represent, or any ratable estate to the value of two hundred pounds; and he shall cease to represent the said town immediately on his ceasing to be qualified as aforesaid.]

IV. [Every male person, being twenty-one years of age, and resident in any particular town in this commonwealth for the space of one year next preceding, having a freehold estate within the same town of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town.]

V. [The members of the house of representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.]

Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.

VI. The house of representatives shall be the grand inquest of this commonwealth; and all impeachments made by them shall be heard and tried by the senate.

House alone  
can impeach.

VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

House to origi-  
nate all money  
bills.

VIII. The house of representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time.

not to adjourn  
more than two  
days.

IX. [Not less than sixty members of the house of representatives shall constitute a quorum for doing business.]

quorum.  
Superseded by  
amendments,  
Art. XXI.

X. The house of representatives shall be the judge of the returns, elections, and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker; appoint their own officers, and settle the rules and orders of proceeding in their own house. They shall have authority to punish by imprisonment every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the house; or who shall assault any of them therefor; or who shall assault, or arrest, any witness, or other person, ordered to attend the house, in his way in going or returning; or who shall rescue any person arrested by the order of the house.

to judge of  
returns, etc., of  
its own mem-  
bers; to choose  
its officers and  
establish its  
rules, etc.

may punish  
for certain  
offences.  
14 Gray, 226.

And no member of the house of representatives shall be arrested, or held to bail on mean process, during his going unto, returning from, or his attending the general assembly.

Privileges of  
members.

XI. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases: provided, that no imprisonment on the warrant or order of the governor, council, senate, or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

Senate.  
Governor and  
council may  
punish.  
General limita-  
tion.  
14 Gray, 226.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may respectively think best.

Trial may be by  
committee, or  
otherwise.

## CHAPTER II.

## EXECUTIVE POWER.

## SECTION I.

*Governor.*

Governor.

ARTICLE I. There shall be a supreme executive magistrate, who shall be styled—THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS; and whose title shall be—HIS EXCELLENCY.

His title.

To be chosen annually.  
Qualifications.

II. The governor shall be chosen annually; and no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this commonwealth for seven years next preceeding; and unless he shall at the same time be seised, in his own right, of a freehold, within the commonwealth, of the value of one thousand pounds; [and unless he shall declare himself to be of the Christian religion.]

Requirement of religious declaration abolished by amendments, Art. VII.

By whom chosen, if he have a majority of votes.

Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.

As to cities, see amendments, Art. II.

Time changed to first Wednesday of January by amendments, Art. X.

Changed to plurality by amendments, Art. XIV.

How chosen, when no person has a majority.

III. Those persons who shall be qualified to vote for senators and representatives within the several towns of this commonwealth shall, at a meeting to be called for that purpose, on the [first Monday of April] annually, give in their votes for a governor, to the selectmen, who shall preside at such meetings; and the town clerk, in the presence and with the assistance of the selectmen, shall, in open town meeting, sort and count the votes, and form a list of the persons voted for, with the number of votes for each person against his name; and shall make a fair record of the same in the town books, and a public declaration thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the selectmen, and transmit the same to the sheriff of the county, thirty days at least before the [last Wednesday in May]; and the sheriff shall transmit the same to the secretary's office, seventeen days at least before the said [last Wednesday in May]; or the selectmen may cause returns of the same to be made to the office of the secretary of the commonwealth, seventeen days at least before the said day; and the secretary shall lay the same before the senate and the house of representatives on the [last Wednesday in May], to be by them examined; and [in case of an election by a majority of all the votes returned], the choice shall be by them declared and published; [but if no person shall have a majority of

votes, the house of representatives shall, by ballot, elect two out of four persons who had the highest number of votes, if so many shall have been voted for; but, if otherwise, out of the number voted for; and make return to the senate of the two persons so elected; on which the senate shall proceed, by ballot, to elect one, who shall be declared governor.]

IV. The governor shall have authority, from time to time, at his discretion, to assemble and call together the councillors of this commonwealth for the time being; and the governor with the said councillors, or five of them at least, shall, and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, agreeably to the constitution and the laws of the land.

Power of governor, and of governor and council.

V. The governor, with advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same to any time the two houses shall desire; [and to dissolve the same on the day next preceding the last Wednesday in May; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess;] and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the commonwealth shall require the same; and in case of any infectious distemper prevailing in the place where the said court is next at any time to convene, or any other cause happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other, the most convenient place within the state.

May adjourn or prorogue the general court upon request, and convene the same. As to dissolution, see amendments, Art. X.

[And the governor shall dissolve the said general court on the day next preceding the last Wednesday in May.]

As to dissolution, see amendments, Art. X.

VI. In cases of disagreement between the two houses, with regard to the necessity, expediency, or time of adjournment or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days, as he shall determine the public good shall require.

Governor and council may adjourn the general court in cases, etc., but not exceeding ninety days.

VII. The governor of this commonwealth, for the time being, shall be the commander-in-chief of the army and navy, and of all the military forces of the state, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise, and govern the militia and navy; and, for the special defence and safety of the

Governor to be commander-in-chief.

commonwealth, to assemble in martial array, and put in warlike posture, the inhabitants thereof, and to lead and conduct them, and with them to encounter, repel, resist, expel, and pursue, by force of arms, as well by sea as by land, within or without the limits of this commonwealth, and also to kill, slay, and destroy, if necessary, and conquer, by all fitting ways, enterprises, and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment, or annoyance of this commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law-martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as occasion shall necessarily require; and to take and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition, and other goods, as shall, in a hostile manner, invade, or attempt the invading, conquering, or annoying this commonwealth; and that the governor be intrusted with all these and other powers, incident to the offices of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

**Limitation.**

Provided, that the said governor shall not, at any time hereafter, by virtue of any power by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the state to which they cannot otherwise conveniently have access.

Governor and council may pardon offences, except, etc.

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate by an impeachment of the house, shall be in the governor, by and with the advice of council; but no charter of pardon, granted by the governor, with advice of the council before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

But not before conviction.  
109 Mass. 323.

Judicial officers, etc., how nominated and appointed.  
For provisions

IX. All judicial officers, [the attorney-general,] the solicitor-general, [all sheriffs,] coroners, [and registers of probate,] shall be nominated and appointed by the gov-

ernor, by and with the advice and consent of the council ; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment.

as to election of attorney-general, see amendments, Art. XVII.

For provision as to election of sheriffs, registers of probate, etc., see amendments, Art. XIX. For provision as to appointment of notaries public, see amendments, Art. IV.

X. The captains and subalterns of the militia shall be elected by the written votes of the train-band and alarm list of their respective companies, [of twenty-one years of age and upwards ;] the field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments ; the brigadiers shall be elected, in like manner, by the field officers of their respective brigades ; and such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

Militia officers, how elected. Limitation of age struck out by amendments, Art. V.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor, the officers elected.

How commissioned.

Election of officers.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other ; and be commissioned by the governor.

Major-generals, how appointed and commissioned.

For provisions as to appointment of a commissary-general, see amendments, Art. IV.

And if the electors of brigadiers, field officers, captains or subalterns, shall neglect or refuse to make such elections, after being duly notified, according to the laws for the time being, then the governor, with advice of council, shall appoint suitable persons to fill such offices.

Vacancies, how filled, in case, etc.

[And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court-martial, pursuant to the laws of the commonwealth for the time being.]

Officers duly commissioned, how removed. Superseded by amendments, Art. IV.

The commanding officers of regiments shall appoint their adjutants and quartermasters ; the brigadiers their brigade-majors ; and the major-generals their aids ; and the governor shall appoint the adjutant-general.

Adjutants, etc., how appointed.

The governor, with advice of council, shall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this commonwealth shall appoint, as also all officers of forts and garrisons.

Army officers, how appointed.

The divisions of the militia into brigades, regiments, and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this commonwealth, until the same shall be altered in pursuance of some future law.

Organization of militia.

Money, how  
drawn from the  
treasury, ex-  
cept, etc.  
13 Allen, 593.

XI. No moneys shall be issued out of the treasury of this commonwealth, and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon) but by warrant under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the commonwealth; and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

All public  
boards, etc., to  
make quarterly  
returns.

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this commonwealth, and all commanding officers of forts and garrisons within the same, shall once in every three months, officially, and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever under their care respectively; distinguishing the quantity, number, quality and kind of each, as particularly as may be; together with the condition of such forts and garrisons; and the said commanding officer shall exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea or harbor or harbors, adjacent.

And the said boards, and all public officers, shall communicate to the governor, as soon as may be after receiving the same, all letters, despatches, and intelligences of a public nature, which shall be directed to them respectively.

Salary of  
governor.

XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court by a dependence on them for his support, that he should in all cases act with freedom for the benefit of the public, that he should not have his attention necessarily diverted from that object to his private concerns, and that he should maintain the dignity of the commonwealth in the character of its chief magistrate, it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Salaries of jus-  
tices of supreme  
judicial court.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

Salaries to be enlarged if insufficient.

## CHAPTER II.

### SECTION II.

#### *Lieutenant-Governor.*

ARTICLE I. There shall be annually elected a lieutenant-governor of the commonwealth of Massachusetts, whose title shall be—HIS HONOR; and who shall be qualified, in point of [religion,] property, and residence in the commonwealth, in the same manner with the governor; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner; [and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate and house of representatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.]

Lieutenant-governor; his title and qualifications. The requirement of a declaration of belief in the christian religion was abolished by amendments, Art. VII.

How chosen.

Election by plurality provided for by amendments, Art. XIV.

II. The governor, and in his absence the lieutenant-governor, shall be president of the council, but shall have no vote in council; and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

President of council. Lieutenant-governor a member of, except, etc.

III. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the commonwealth, or otherwise, the lieutenant-governor, for the time being, shall, during such vacancy, perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities, which by this constitution the governor is vested with, when personally present.

Lieutenant-governor to be acting governor, in case, etc.

## CHAPTER II.

### SECTION III.

#### *Council, and the Manner of settling Elections by the Legislature.*

ARTICLE I. There shall be a council for advising the governor in the executive part of the government, to

Council. Number of councillors

changed to  
eight.  
See amend-  
ments, Art.  
XVI.

consist of [nine] persons besides the lieutenant-governor, whom the governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together; and the governor, with the said councillors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, according to the laws of the land.

Number; from  
whom, and how  
chosen.  
Modified by  
amendments,  
Arts. X. and  
XIII.  
Superseded by  
amendments,  
Art. XVI.

II. [Nine councillors shall be annually chosen from among the persons returned for councillors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.]

If senators be-  
come coun-  
cillors, their seats  
to be vacated.

Rank of  
councillors.

III. The councillors, in the civil arrangements of the commonwealth, shall have rank next after the lieutenant-governor.

No district to  
have more than  
two.

IV. [Not more than two councillors shall be chosen out of any one district of this commonwealth.]

Superseded by amendments, Art. XVI.

Register of  
council.

V. The resolutions and advice of the council shall be recorded in a register, and signed by the members present; and this record may be called for at any time by either house of the legislature; and any member of the council may insert his opinion, contrary to the resolution of the majority.

Council to exer-  
cise the power  
of governor in  
case, etc.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant, by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority to do, and execute, all and every such acts, matters, and things, as the governor or the lieutenant-governor might or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

Elections may  
be adjourned  
until, etc.

VII. [And whereas the elections appointed to be made, by this constitution, on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day until the same shall be completed. And the order of elections shall be as follows: the vacancies in

Order thereof.  
Superseded by

the senate, if any, shall first be filled up; the governor and lieutenant-governor shall then be elected, provided there should be no choice of them by the people; and afterwards the two houses shall proceed to the election of the council.]

amendments,  
Arts. XVI. and  
XXV.

## CHAPTER II.

### SECTION IV.

#### *Secretary, Treasurer, Commissary, etc.*

ARTICLE I. [The secretary, treasurer, and receiver-general, and the commissary-general, notaries public, and] naval officers, shall be chosen annually, by joint ballot of the senators and representatives in one room. And, that the citizens of this commonwealth may be assured, from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible as treasurer and receiver-general more than five years successively.

Secretary, etc.,  
by whom and  
how chosen.  
For provision as  
to election of  
secretary, treas-  
urer, and re-  
ceiver-general,  
and auditor and  
attorney-gen-  
eral, see amend-  
ments, Art.  
XVII.

Treasurer in-  
eligible for more  
than five suc-  
cessive years.

For provision as to appointment of notaries public and the commissary-general, see amendments, Art. IV.

II. The records of the commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable; and he shall attend the governor and council, the senate and house of representatives, in person, or by his deputies, as they shall respectively require.

Secretary to  
keep records;  
to attend the  
governor and  
council, etc.

## CHAPTER III.

### JUDICIARY POWER.

ARTICLE I. The tenure, that all commission officers shall by law have in their offices, shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned, and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution: provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

Tenure of all  
commissioned  
officers to be  
expressed.  
Judicial officers  
to hold office  
during good  
behavior, ex-  
cept, etc.  
But may be  
removed on  
address.

II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

Justices of su-  
preme judicial  
court to give  
opinions when  
required.  
122 Mass. 600.  
126 Mass. 557,  
561.

Justices of the  
peace; tenure  
of their office.  
3 Cush. 584.

III. In order that the people may not suffer from the long continuance in place of any justice of the peace who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void, in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well-being of the commonwealth.

Provisions for  
holding probate  
courts.  
12 Gray, 147.

IV. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require; and the legislature shall, from time to time, hereafter, appoint such times and places; until which appointments, the said courts shall be holden at the times and places which the respective judges shall direct.

Of marriage,  
divorce, and alimony.  
Other provisions made  
by law.  
105 Mass. 327.  
116 Mass. 317.

V. All causes of marriage, divorce, and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council, until the legislature shall, by law, make other provision.

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## CHAPTER IV.

### DELEGATES TO CONGRESS.

Delegates to  
congress.

The delegates of this commonwealth to the congress of the United States, shall, some time in the month of June, annually, be elected by the joint ballot of the senate and house of representatives, assembled together in one room; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the commonwealth; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.

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## CHAPTER V.

### THE UNIVERSITY AT CAMBRIDGE AND ENCOURAGEMENT OF LITERATURE, ETC.

#### SECTION I.

#### *The University.*

Harvard  
College.

ARTICLE I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six,

laid the foundation of Harvard College, in which university many persons of great eminence have, by the blessing of GOD, been initiated in those arts and sciences which qualified them for public employments, both in church and state; and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of GOD, the advantage of the Christian religion, and the great benefit of this and the other United States of America, — it is declared, that the PRESIDENT AND FELLOWS OF HARVARD COLLEGE, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise, and enjoy, all the powers, authorities, rights, liberties, privileges, immunities, and franchises, which they now have, or are entitled to have, hold, use, exercise, and enjoy; and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers and servants, respectively, forever.

Powers, privileges, etc., of the president and fellows, confirmed.

II. And whereas there have been at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies, and conveyances, heretofore made, either to Harvard College in Cambridge, in New England, or to the president and fellows of Harvard College, or to the said college by some other description, under several charters, successively; it is declared, that all the said gifts, grants, devises, legacies, and conveyances, are hereby forever confirmed unto the president and fellows of Harvard College, and to their successors in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, deviser or devisors.

All gifts, grants, etc., confirmed.

III. And whereas, by an act of the general court of the colony of Massachusetts Bay, passed in the year one thousand six hundred and forty-two, the governor and deputy-governor, for the time being, and all the magistrates of that jurisdiction, were, with the president, and a number of the clergy in the said act described, constituted the overseers of Harvard College; and it being necessary, in this new constitution of government to ascertain who shall be deemed successors to the said governor, deputy-governor, and magistrates; it is declared, that the governor, lieutenant-governor, council, and senate of this commonwealth, are, and shall be deemed, their successors, who, with the president of Harvard College, for the time being, together with the ministers of the con-

Who shall be overseers.

See Statutes,  
1851, 224.  
1852, 27.  
1859, 212.  
1865, 173.  
1880, 65.

Power of alteration reserved to the legislature.

gregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining to the overseers of Harvard College; provided, that nothing herein shall be construed to prevent the legislature of this commonwealth from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the legislature of the late Province of the Massachusetts Bay.

## CHAPTER V.

### SECTION II.

#### *The Encouragement of Literature, etc.*

Duty of legislatures and magistrates in all future periods. For further provisions as to public schools, see amendments, Art. XVIII. 12 Allen, 500-503. 103 Mass. 94, 97.

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools and grammar schools in the towns; to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments, among the people.

## CHAPTER VI.

OATHS AND SUBSCRIPTIONS; INCOMPATIBILITY OF AND EXCLUSION FROM OFFICES; PECUNIARY QUALIFICATIONS; COMMISSIONS; WRITS; CONFIRMATION OF LAWS; HABEAS CORPUS; THE ENACTING STYLE; CONTINUANCE OF OFFICERS; PROVISION FOR A FUTURE REVISAL OF THE CONSTITUTION, ETC.

Oaths, etc.

ARTICLE I. [Any person chosen governor, lieutenant-governor, councillor, senator, or representative, and accept-

ing the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz.:

"I, A. B., do declare, that I believe the Christian religion, and have a firm persuasion of its truth; and that I am seised and possessed, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected."

Abolished. See amendments, Art. VII.

And the governor, lieutenant-governor, and councillors, shall make and subscribe the said declaration, in the presence of the two houses of assembly; and the senators and representatives, first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards before the governor and council for the time being.]

And every person chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military, or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz.:

Declaration and oaths of all officers.

["I, A. B., do truly and sincerely acknowledge, profess, testify, and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign, and independent state; and I do swear, that I will bear true faith and allegiance to the said commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever; and that I do renounce and abjure all allegiance, subjection, and obedience to the king, queen, or government of Great Britain (as the case may be), and every other foreign power whatsoever; and that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power, in any matter, civil, ecclesiastical, or spiritual, within this commonwealth, except the authority and power which is or may be vested by their constituents in the congress of the United States: and I do further testify and declare, that no man or body of men hath or can have any right to absolve or discharge me from the obligation of this oath, declaration, or affirmation; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation, and abjuration, heartily and truly, according to the common meaning and acceptation of the foregoing words, without any equivocation, mental evasion, or secret reservation whatsoever. So help me, God."]

For new oath of allegiance, see amendments, Art. VI.

Oath of office.

"I, A. B., do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as \_\_\_\_\_, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution and the laws of the commonwealth. So help me, GOD."

Proviso.  
See amend-  
ments, Art. VI.

Provided, always, that when any person chosen or appointed as aforesaid, shall be of the denomination of the people called Quakers, and shall decline taking the said oath[s], he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words, [*"I do swear," "and abjure," "oath or," "and abjuration,"* in the first oath; and in the second oath, the words] *"swear and,"* and [in each of them] the words *"So help me, GOD;"* subjoining instead thereof, *"This I do under the pains and penalties of perjury."*

Oaths and  
affirmations,  
how adminis-  
tered.

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant-governor, and councillors, before the president of the senate, in the presence of the two houses of assembly; and by the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards before the governor and council for the time being; and by the residue of the officers aforesaid, before such persons and in such manner as from time to time shall be prescribed by the legislature.

Plurality of  
offices prohib-  
ited to governor,  
etc., except, etc.  
See amend-  
ments, Art.  
VIII.

II. No governor, lieutenant-governor, or judge of the supreme judicial court, shall hold any other office or place, under the authority of this commonwealth, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace through the state; nor shall they hold any other place or office, or receive any pension or salary from any other state or government or power whatever.

Same subject.  
1 Allen, 553.

No person shall be capable of holding or exercising at the same time, within this state, more than one of the following offices, viz.: judge of probate — sheriff — register of probate — or register of deeds; and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the state at large, or of the people of any county, military offices, and the offices of justices of the peace excepted, shall be held by one person.

Incompatible  
offices.  
For further pro-

No person holding the office of judge of the supreme judicial court — secretary — attorney-general — solicitor-

general — treasurer or receiver-general — judge of probate — commissary-general — [president, professor, or instructor of Harvard College] — sheriff — clerk of the house of representatives — register of probate — register of deeds — clerk of the supreme judicial court — clerk of the inferior court of common pleas — or officer of the customs, including in this description naval officers — shall at the same time have a seat in the senate or house of representatives; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives; and the place so vacated shall be filled up.

visions as to incompatible offices, see amendments, Art. VIII. Officers of Harvard College excepted by amendments, Art. XXVII.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall accept a seat in council; or any councillor shall accept of either of those offices or places.

Incompatible offices.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this commonwealth, who shall, in the due course of law, have been convicted of bribery or corruption in obtaining an election or appointment.

Bribery, etc., disqualify.

III. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce; and it shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the commonwealth shall require.

Value of money ascertained.

Property qualifications may be increased. See amendments, Art. XIII.

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the governor and attested by the secretary or his deputy, and have the great seal of the commonwealth affixed thereto.

Provisions respecting commissions.

V. All writs, issuing out of the clerk's office in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts; they shall be under the seal of the court from whence they issue; they shall bear test of the first justice of the court to which they shall be returnable, who is not a party, and be signed by the clerk of such court.

Provisions respecting writs. 2 Pick. 592. 3 Met. 58. 13 Gray, 74.

VI. All the laws which have heretofore been adopted, used, and approved in the Province, Colony, or State of Massachusetts Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature; such parts only excepted as are repugnant to the rights and liberties contained in this constitution.

Continuation of former laws, except, etc. 1 Mass. 59. 2 Mass. 534. 8 Pick. 309, 316. 16 Pick. 107, 113. 2 Met. 113.

Benefit of  
*habeas corpus*  
secured, except,  
etc.

VII. The privilege and benefit of the writ of *habeas corpus* shall be enjoyed in this commonwealth, in the most free, easy, cheap, expeditious, and ample manner; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months.

The enacting  
style.

VIII. The enacting style, in making and passing all acts, statutes, and laws, shall be — “Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same.”

Officers of  
former govern-  
ment continued  
until, etc.

IX. To the end there may be no failure of justice, or danger arise to the commonwealth from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay in New England, and all other officers of the said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise, and enjoy, all the powers and authority to them granted or committed, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies, and powers shall continue in full force, in the enjoyment and exercise of all their trusts, employments, and authority; until the general court, and the supreme and executive officers under this constitution, are designated and invested with their respective trusts, powers, and authority.

Provision for  
revising con-  
stitution.  
For existing  
provision as to  
amendments,  
see amend-  
ments, Art. IX.

X. [In order the more effectually to adhere to the principles of the constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution, in order to amendments.

Provision for  
revising con-  
stitution.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the state, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns to elect delegates to meet in convention for the purpose aforesaid.

The said delegates to be chosen in the same manner and proportion as their representatives in the second branch of the legislature are by this constitution to be chosen.]

XI. This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the book containing the laws of this commonwealth, in all future editions of the said laws.

Provision for preserving and publishing this constitution.

## ARTICLES OF AMENDMENT.

ARTICLE I. If any bill or resolve shall be objected to, and not approved by the governor; and if the general court shall adjourn within five days after the same shall have been laid before the governor for his approbation, and thereby prevent his returning it with his objections, as provided by the constitution, such bill or resolve shall not become a law, nor have force as such.

Bill, etc., not approved within five days, not to become a law, if legislature adjourn in the mean time. 3 Mass. 567. See Const., Ch I. § 1, Art. 11.

ART. II. The general court shall have full power and authority to erect and constitute municipal or city governments, in any corporate town or towns in this commonwealth, and to grant to the inhabitants thereof such powers, privileges, and immunities, not repugnant to the constitution, as the general court shall deem necessary or expedient for the regulation and government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants, in wards or otherwise, for the election of officers under the constitution, and the manner of returning the votes given at such meetings. Provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants, nor unless it be with the consent, and on the application of a majority of the inhabitants of such town, present and voting thereon, pursuant to a vote at a meeting duly warned and holden for that purpose. And provided, also, that all by-laws, made by such municipal or city government, shall be subject, at all times, to be annulled by the general court.

General court empowered to charter cities. 122 Mass. 354.

Proviso. 112 Mass. 200.

ART. III. Every male citizen of twenty-one years of age and upwards, excepting paupers and persons under guardianship, who shall have resided within the commonwealth one year, and within the town or district in which

Qualifications of voters for governor lieutenant-governor, senators and representatives. 11 Pick. 538, 540.

14 Pick. 341.  
 14 Mass. 367.  
 5 Met. 162, 298,  
 591, 594.  
 7 Gray, 299.  
 122 Mass. 595,  
 597.  
 124 Mass. 598.  
 For educational  
 qualification,  
 see amend-  
 ments, Art. XX.  
 For provision as  
 to those who  
 have served in  
 the army or  
 navy in time of  
 war, see amend-  
 ments, Art.  
 XXVIII.

Notaries public,  
 how appointed  
 and removed.

Vacancies in the  
 offices of secre-  
 tary and treas-  
 urer, how filled.  
 This clause  
 superseded by  
 amendments,  
 Art. XVII.

Commissary-  
 general may be  
 appointed, in  
 case, etc.

Militia officers,  
 how removed.

Who may vote  
 for captains and  
 subalterns.

Oath to be taken  
 by all officers.  
 See Const.,  
 Ch. VI. Art. I.

he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, senators, or representatives, and who shall have paid, by himself, or his parent, master, or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this commonwealth; and also every citizen who shall be, by law, exempted from taxation, and who shall be, in all other respects, qualified as above mentioned, shall have a right to vote in such election of governor, lieutenant-governor, senators, and representatives; and no other person shall be entitled to vote in such elections.

See also amendments, Art. XXIII, which was annulled by amendments, Art. XXVI.

ART. IV. Notaries public shall be appointed by the governor in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the governor, with the consent of the council, upon the address of both houses of the legislature.

[In case the office of secretary or treasurer of the commonwealth shall become vacant from any cause, during the recess of the general court, the governor, with the advice and consent of the council, shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the general court.]

Whenever the exigencies of the commonwealth shall require the appointment of a commissary-general, he shall be nominated, appointed, and commissioned, in such manner as the legislature may, by law, prescribe.

All officers commissioned to command in the militia may be removed from office in such manner as the legislature may, by law, prescribe.

ART. V. In the elections of captains and subalterns of the militia, all the members of their respective companies, as well those under as those above the age of twenty-one years, shall have a right to vote.

ART. VI. Instead of the oath of allegiance prescribed by the constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this commonwealth, before he shall enter on the duties of his office, to wit:—

“I A. B. do solemnly swear, that I will bear true faith

and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, God."

*Provided*, That when any person shall be of the denomination called Quakers, and shall decline taking said oath, he shall make his affirmation in the foregoing form, omitting the word "swear" and inserting, instead thereof, the word "affirm," and omitting the words "So help me, God," and subjoining, instead thereof, the words, "This I do under the pains and penalties of perjury."

*Proviso. Quakers may affirm.*

ART. VII. No oath, declaration, or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the governor, lieutenant-governor, councillors, senators, or representatives, to qualify them to perform the duties of their respective offices.

*Tests abolished.*

ART. VIII. No judge of any court of this commonwealth, (except the court of sessions,) and no person holding any office under the authority of the United States, (postmasters excepted,) shall, at the same time, hold the office of governor, lieutenant-governor, or councillor, or have a seat in the senate or house of representatives of this commonwealth; and no judge of any court in this commonwealth, (except the court of sessions,) nor the attorney-general, solicitor-general, county attorney, clerk of any court, sheriff, treasurer, and receiver-general, register of probate, nor register of deeds, shall continue to hold his said office after being elected a member of the Congress of the United States, and accepting that trust; but the acceptance of such trust, by any of the officers aforesaid, shall be deemed and taken to be a resignation of his said office; and judges of the courts of common pleas shall hold no other office under the government of this commonwealth, the office of justice of the peace and militia offices excepted.

*Incompatibility of offices.  
122 Mass. 445,  
600.  
123 Mass. 53b.*

ART. IX. If, at any time hereafter, any specific and particular amendment or amendments to the constitution be proposed in the general court, and agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court then next to be chosen, and shall be published; and if, in the general court next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the

*Amendments to constitution, how made.*

senators and two-thirds of the members of the house of representatives present and voting thereon, then it shall be the duty of the general court to submit such proposed amendment or amendments to the people; and if they shall be approved and ratified by a majority of the qualified voters, voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the constitution of this commonwealth.

Commencement  
of political year,

ART. X. The political year shall begin on the first Wednesday of January, instead of the last Wednesday of May; and the general court shall assemble every year on the said first Wednesday of January, and shall proceed, at that session, to make all the elections, and do all the other acts, which are by the constitution required to be made and done at the session which has heretofore commenced on the last Wednesday of May. And the general court shall be dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the governor. But nothing herein contained shall prevent the general court from assembling at such other times as they shall judge necessary, or when called together by the governor. The governor, lieutenant-governor and councillors, shall also hold their respective offices for one year next following the first Wednesday of January, and until others are chosen and qualified in their stead.

and termination.

Meetings for the  
choice of gov-  
ernor, lieuten-  
ant-governor,  
etc., when to be  
held.  
This clause  
superseded by  
amendments,  
Art. XV.

[The meeting for the choice of governor, lieutenant-governor, senators, and representatives, shall be held on the second Monday of November in every year; but meetings may be adjourned, if necessary, for the choice of representatives, to the next day, and again to the next succeeding day, but no further. But in case a second meeting shall be necessary for the choice of representatives, such meetings shall be held on the fourth Monday of the same month of November.]

All the other provisions of the constitution, respecting the elections and proceedings of the members of the general court, or of any other officers or persons whatever, that have reference to the last Wednesday of May, as the commencement of the political year, shall be so far altered, as to have like reference to the first Wednesday of January.

Article, when to  
go into opera-  
tion.

This article shall go into operation on the first day of October, next following the day when the same shall be duly ratified and adopted as an amendment of the constitution; and the governor, lieutenant-governor, councillors, senators, representatives, and all other state officers, who

are annually chosen, and who shall be chosen for the current year, when the same shall go into operation, shall hold their respective offices until the first Wednesday of January then next following, and until others are chosen and qualified in their stead, and no longer; and the first election of the governor, lieutenant-governor, senators, and representatives, to be had in virtue of this article, shall be had conformably thereunto, in the month of November following the day on which the same shall be in force, and go into operation, pursuant to the foregoing provision.

All the provisions of the existing constitution, inconsistent with the provisions herein contained, are hereby wholly annulled.

Inconsistent provisions annulled.

ART. XI. Instead of the third article of the bill of rights, the following modification and amendment thereof is substituted:—

Religious freedom established. See Dec. of Rights, Art. III.

“As the public worship of GOD and instructions in piety, religion, and morality, promote the happiness and prosperity of a people, and the security of a republican government; therefore, the several religious societies of this commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses; and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice, declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract which may be thereafter made, or entered into by such society; and all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.”

122 Mass. 40, 41.

ART. XII. [In order to provide for a representation of the citizens of this commonwealth, founded upon the principles of equality, a census of the ratable polls, in each city, town, and district of the commonwealth, on the first day of May, shall be taken and returned into the secretary's office, in such manner as the legislature shall provide, within the month of May, in the year of our Lord

Census of ratable polls to be taken in 1837, and decennially thereafter. This article was superseded by amendments, Art. XIII., which was also superseded by

amendments,  
Art. XXI.  
Representa-  
tives, how  
apportioned.

one thousand eight hundred and thirty-seven, and in every tenth year thereafter, in the month of May, in manner aforesaid; and each town or city having three hundred ratable polls at the last preceding decennial census of polls, may elect one representative, and for every four hundred and fifty ratable polls in addition to the first three hundred, one representative more.

Towns having  
less than 300  
ratable polls,  
how represent-  
ed

Any town having less than three hundred ratable polls shall be represented thus: The whole number of ratable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred; and such town may elect one representative as many years within ten years, as three hundred is contained in the product aforesaid.

Fractions, how  
represented.

Any city or town having ratable polls enough to elect one or more representatives, with any number of polls beyond the necessary number, may be represented, as to that surplus number, by multiplying such surplus number by ten and dividing the product by four hundred and fifty; and such city or town may elect one additional representative as many years, within the ten years, as four hundred and fifty is contained in the product aforesaid.

Towns may  
unite into repre-  
sentative dis-  
tricts.

Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns and districts, respectively, called for that purpose, and held previous to the first day of July, in the year in which the decennial census of polls shall be taken, form themselves into a representative district to continue until the next decennial census of polls, for the election of a representative, or representatives; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of ratable polls.

The governor  
and council to  
determine the  
number of rep-  
resentatives to  
which each  
town is entitled.

The governor and council shall ascertain and determine, within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of representatives, which each city, town, and representative district is entitled to elect, and the number of years, within the period of ten years then next ensuing, that each city, town, and representative district may elect an additional representative; and where any town has not a sufficient number of polls to elect a representative each year, then, how many years within the ten years, such town may elect a representative; and the same shall be done once in ten years, thereafter, by the governor and council, and the

New apportion-  
ment to be made  
once in every  
ten years.

number of ratable polls in each decennial census of polls, shall determine the number of representatives, which each city, town and representative district may elect as aforesaid; and when the number of representatives to be elected by each city, town, or representative district is ascertained and determined as aforesaid, the governor shall cause the same to be published forthwith for the information of the people, and that number shall remain fixed and unalterable for the period of ten years.

All the provisions of the existing constitution inconsistent with the provisions herein contained, are hereby wholly annulled.]

Inconsistent provisions annulled.

ART. XIII. [A census of the inhabitants of each city and town, on the first day of May, shall be taken, and returned into the secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, and of every tenth year thereafter; which census shall determine the apportionment of senators and representatives for the term of ten years.

122 Mass. 595.

Census of inhabitants to be taken in 1840, and decennially thereafter, for basis of representation.

Provisions as to census superseded by amendments, Arts. XXI. and XXII.

Senatorial districts declared permanent.

Provisions as to senators superseded by amendments, Art. XXII.

The several senatorial districts now existing shall be permanent. The senate shall consist of forty members; and in the year one thousand eight hundred and forty, and every tenth year thereafter, the governor and council shall assign the number of senators to be chosen in each district, according to the number of inhabitants in the same. But, in all cases, at least one senator shall be assigned to each district.

The members of the house of representatives shall be apportioned in the following manner: Every town or city containing twelve hundred inhabitants may elect one representative; and two thousand four hundred inhabitants shall be the mean increasing number, which shall entitle it to an additional representative.

House of representatives, how apportioned.

Provisions as to representatives superseded by amendments, Art. XXI.

Every town containing less than twelve hundred inhabitants shall be entitled to elect a representative as many times within ten years as the number one hundred and sixty is contained in the number of the inhabitants of said town. Such towns may also elect one representative for the year in which the valuation of estates within the commonwealth shall be settled.

Small towns, how represented.

Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns, respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every

Towns may unite into representative districts.

tenth year thereafter, form themselves into a representative district, to continue for the term of ten years; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants.

Basis of representation, and ratio of increase.

The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number which shall entitle a town or city to elect more than one, and also the number by which the population of towns not entitled to a representative every year is to be divided, shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned.

The governor and council to be chosen from the people at large. Provisions as to councillors superseded by amendments, Art. XVI.

In the year of each decennial census, the governor and council shall, before the first day of September, apportion the number of representatives which each city, town, and representative district is entitled to elect, and ascertain how many years, within ten years, any town may elect a representative, which is not entitled to elect one every year; and the governor shall cause the same to be published forthwith.

Councillors to be chosen from the people at large. Provisions as to councillors superseded by amendments, Art. XVI.

Qualifications of councillors.

Nine councillors shall be annually chosen from among the people at large, on the first Wednesday of January, or as soon thereafter as may be, by the joint ballot of the senators and representatives, assembled in one room, who shall, as soon as may be, in like manner, fill up any vacancies that may happen in the council, by death, resignation, or otherwise. No person shall be elected a councillor, who has not been an inhabitant of this commonwealth for the term of five years immediately preceding his election; and not more than one councillor shall be chosen from any one senatorial district in the commonwealth.]

Freehold as a qualification for a seat in general court or council not required.

No possession of a freehold, or of any other estate, shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

Elections by the people to be by plurality of votes.

ART. XIV. In all elections of civil officers by the people of this commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.

Time of annual election of governor and legislature.

ART. XV. The meeting for the choice of governor, lieutenant-governor, senators, and representatives, shall

be held on the Tuesday next after the first Monday in November, annually; but in case of a failure to elect representatives on that day, a second meeting shall be holden, for that purpose, on the fourth Monday of the same month of November.

ART. XVI. Eight councillors shall be annually chosen by the inhabitants of this commonwealth, qualified to vote for governor. The election of councillors shall be determined by the same rule that is required in the election of governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next state census shall have been taken, and at its first session after each decennial state census thereafterwards, shall divide the commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councillor: *provided, however*, that if, at any time, the constitution shall provide for the division of the commonwealth into forty senatorial districts, then the legislature shall so arrange the councillor districts, that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature. No person shall be eligible to the office of councillor who has not been an inhabitant of the commonwealth for the term of five years immediately preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of governor. [Whenever there shall be a failure to elect the full number of councillors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate; and vacancies occasioned by death, removal from the state, or otherwise, shall be filled in like manner, as soon as may be, after such vacancies shall have happened.] And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five councillors for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor, and councillors; and ten days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly; and the secretary shall lay the returns before the senate and house of representatives on the said first

Eight councillors to be chosen by the people.  
122 Mass. 595, 598.

Legislature to divide state.

Eligibility defined.

Day and manner of election, etc.

Vacancies, how filled.  
For new provision as to vacancies, see amendments, XXV.

Organization of the government.

Wednesday in January, to be by them examined; and in case of the election of either of said officers, the choice shall be by them declared and published; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the manner provided in the constitution for the choice of such officers.

Election of secretary, treasurer, auditor, and attorney-general by the people.

Vacancies, how filled.

To qualify within ten days, otherwise office to be deemed vacant.

Qualification requisite.

School moneys not to be applied for secta-

ART. XVII. The secretary, treasurer and receiver-general, auditor, and attorney-general, shall be chosen annually, on the day in November prescribed for the choice of governor; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election, shall be such as are required in the election of governor. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease, in the mean time, of the person elected as such, such officer shall be chosen on or before the third Wednesday in January next thereafter, from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representatives, in one room; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant, from any cause, during an annual or special session of the general court, such vacancy shall in like manner be filled by choice from the people at large; but if such vacancy shall occur at any other time, it shall be supplied by the governor by appointment, with the advice and consent of the council. The person so chosen or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead. In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices unless he shall have been an inhabitant of this commonwealth five years next preceding his election or appointment.

ART. XVIII. All moneys raised by taxation in the towns and cities for the support of public schools, and

all moneys which may be appropriated by the state for the support of common schools, shall be applied to, and expended in, no other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance, exclusively, of its own school.

ART. XIX. The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, commissioners of insolvency, and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

ART. XX. No person shall have the right to vote, or be eligible to office under the constitution of this commonwealth, who shall not be able to read the constitution in the English language, and write his name: *provided, however*, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upwards at the time this amendment shall take effect.

ART. XXI. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters; and in each city, said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census.

The house of representatives shall consist of two hundred and forty members, which shall be apportioned by the legislature, at its first session after the return of each enumeration as aforesaid, to the several counties of the commonwealth, equally, as nearly as may be, according to their relative numbers of legal voters, as ascertained

rian schools.  
For original provision as to schools, see constitution, Part First, Art. III.  
12 Allen, 500, 508.  
103 Mass. 94, 96.

Legislature to prescribe for the election of sheriffs, registers of probate, etc., by the people.  
5 Gray, 1.  
13 Gray, 74.  
110 Mass. 172, 173.  
117 Mass. 602, 603.  
121 Mass. 65.

Reading constitution in English and writing, necessary qualifications of voters.  
Proviso.  
For other qualifications, see amendments, Art. III.  
See also amendments, Art. XXIII., which was annulled by amendments, Art. XXVI.

Census of legal voters and of inhabitants, when taken, etc.  
See P. S. c. 31.

House of representatives to consist of 240 members.  
Legislature to apportion, etc.  
10 Gray, 613.

Secretary shall certify to officers authorized to divide counties.

Meeting for division to be first Tuesday in August. Proceedings.

Qualifications of representatives. 122 Mass. 595, 598.

Districts to be numbered, described and certified.

One hundred members a quorum.

by the next preceding special enumeration; and the town of Cohasset, in the county of Norfolk, shall, for this purpose, as well as in the formation of districts, as hereinafter provided, be considered a part of the county of Plymouth; and it shall be the duty of the secretary of the commonwealth, to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk, — or in lieu of the mayor and aldermen of the city of Boston, or of the county commissioners in each county other than Suffolk, such board of special commissioners in each county, to be elected by the people of the county, or of the towns therein, as may for that purpose be provided by law, — shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed, as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally, as nearly as may be, according to the relative number of legal voters in the several districts of each county; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. Every representative, for one year at least next preceding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the commonwealth. The districts in each county shall be numbered by the board creating the same, and a description of each, with the numbers thereof and the number of legal voters therein, shall be returned by the board, to the secretary of the commonwealth, the county treasurer of each county, and to the clerk of every town in each district, to be filed and kept in their respective offices. The manner of calling and conducting the meetings for the choice of representatives, and of ascertaining their election, shall be prescribed by law. Not less than one hundred members of the house of representatives shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

ART. XXII. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters, and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of senators for the periods between the taking of the census. The senate shall consist of forty members. The general court shall, at its first session after each next preceding special enumeration, divide the commonwealth into forty districts of adjacent territory, each district to contain, as nearly as may be, an equal number of legal voters, according to the enumeration aforesaid: *provided, however*, that no town or ward of a city shall be divided therefor; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district. Each district shall elect one senator, who shall have been an inhabitant of this commonwealth five years at least immediately preceding his election, and at the time of his election shall be an inhabitant of the district for which he is chosen; and he shall cease to represent such senatorial district when he shall cease to be an inhabitant of the commonwealth. Not less than sixteen senators shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

Census, etc.  
See P. S. c. 31.

Voters to be  
basis of appor-  
tionment of  
senators.

Senate to consist  
of forty mem-  
bers.

Senatorial  
districts, etc.

See amend-  
ments, Art.  
XXIV.

Qualifications  
of senators.

Sixteen mem-  
bers a quorum.

ART. XXIII. [No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and, *provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom.]

Residence of  
two years re-  
quired of natu-  
ralized citizens,  
to entitle to suf-  
frage or make  
eligible to office.  
This article  
annulled by  
Art. XXVI.

ART. XXIV. Any vacancy in the senate shall be filled

Vacancies in the  
senate.

by election by the people of the unrepresented district, upon the order of a majority of the senators elected.

Vacancies in the council.

ART. XXV. In case of a vacancy in the council, from a failure of election, or other cause, the senate and house of representatives shall, by concurrent vote, choose some eligible person from the people of the district wherein such vacancy occurs, to fill that office. If such vacancy shall happen when the legislature is not in session, the governor, with the advice and consent of the council, may fill the same by appointment of some eligible person.

Twenty-third article of amendments annulled.

ART. XXVI. The twenty-third article of the articles of amendment of the constitution of this commonwealth, which is as follows, to wit: "No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and *provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom," is hereby wholly annulled.

Officers of Harvard College may be elected members of general court.

ART. XXVII. So much of article two of chapter six of the constitution of this commonwealth as relates to persons holding the office of president, professor, or instructor of Harvard College, is hereby annulled.

Persons having served in the U. S. army or navy, etc., not to be disqualified from voting, etc.

ART. XXVIII. No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of being a pauper; or, if a pauper, because of the non-payment of a poll-tax.

The constitution of Massachusetts was agreed upon by delegates of the people, in convention, begun and held at Cambridge, on the first day of September, 1779, and continued by adjournments to the second day of March, 1780, when the convention adjourned to meet on the first Wednesday of the ensuing June. In the mean time the constitution was submitted to the people, to be adopted by them, provided two-thirds of the votes given should be in the affirmative. When the convention assembled, it was found that the constitution had been adopted by the requisite number of votes, and the convention accordingly *Resolved*, "That the said Constitution or Frame of Government shall take place on the last Wednesday of October next; and not before, for any purpose, save only for that of making elections, agreeable to this resolution." The first legislature assembled at Boston, on the twenty-fifth day of October, 1780.

The first nine Articles of Amendment were submitted, by delegates in convention assembled, November 15, 1820, to the people, and by them ratified and adopted, April 9, 1821.

The tenth Article was adopted by the legislatures of the political years 1829-30, and 1830-31, respectively, and was approved and ratified by the people May 11, 1831.

The eleventh Article was adopted by the legislatures of the political years 1832 and 1833, respectively, and was approved and ratified by the people November 11, 1833.

The twelfth Article was adopted by the legislatures of the political years 1835 and 1836, respectively, and was approved and ratified by the people the fourteenth day of November, 1836.

The thirteenth Article was adopted by the legislatures of the political years 1839 and 1840, respectively, and was approved and ratified by the people the sixth day of April, 1840.

The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth Articles were adopted by the legislatures of the political years 1854 and 1855, respectively, and ratified by the people the twenty-third day of May, 1855.

The twentieth, twenty-first, and twenty-second Articles were adopted by the legislatures of the political years 1856 and 1857, respectively, and ratified by the people on the first day of May, 1857.

The twenty-third Article was adopted by the legislatures of the political years 1858 and 1859, respectively, and ratified by the people on the ninth day of May, 1859, and was repealed by the twenty-sixth Amendment.

The twenty-fourth and twenty-fifth Articles were adopted by the legislatures of the political years 1859 and 1860, and ratified by the people on the seventh day of May, 1860.

The twenty-sixth Article was adopted by the legislatures of the political years 1862 and 1863, and ratified by the people on the sixth day of April, 1863.

The twenty-seventh Article was adopted by the legislatures of the political years 1876 and 1877, and was approved and ratified by the people on the sixth day of November, 1877.

The twenty-eighth Article was adopted by the legislatures of the political years 1880 and 1881, and was approved and ratified by the people on the eighth day of November, 1881.

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ACTS AND RESOLVES

OF

MASSACHUSETTS.

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1885.

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¶ The General Court of 1885 assembled on Wednesday, the seventh day of January. The oaths of office required by the Constitution to be administered to the Governor and Lieutenant-Governor elect were taken and subscribed by His Excellency GEORGE D. ROBINSON, and His Honor OLIVER AMES, on Thursday, the eighth day of January, in the presence of the two Houses assembled in convention.

# ACTS AND RESOLVES.

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AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND MILE-  
AGE OF THE LEGISLATURE, FOR THE COMPENSATION OF OFFICERS  
THEREOF, AND FOR OTHER PURPOSES. *Chap. 1*

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to wit:—

For compensation of senators, twenty-six thousand six hundred and fifty dollars. Appropriations.  
Senators, compensation.

For mileage of senators, a sum not exceeding four hundred and fifty dollars. Senators, mileage.

For compensation of representatives, one hundred and fifty-six thousand six hundred and fifty dollars. Representatives, compensation.

For mileage of representatives, a sum not exceeding two thousand five hundred dollars. Representatives, mileage.

For the compensation of the chaplains of the senate and house of representatives, three hundred dollars each. Chaplains.

For the compensation of the doorkeepers, messengers and pages to the senate and house of representatives, a sum not exceeding ten thousand dollars. Doorkeepers, messengers and pages.

For expenses of summoning witnesses before committees, and for fees for such witnesses, a sum not exceeding two hundred dollars. Witnesses before committees.

For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, a sum not exceeding six thousand dollars. Contingent and necessary expenses.

For authorized expenses of committees of the present legislature, to include clerical assistance to committees authorized to employ the same, a sum not exceeding five thousand dollars. Expenses of committees.

SECTION 2. This act shall take effect upon its passage.

*Approved January 29, 1885.*

*Chap. 2* AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE JUDICIAL DEPARTMENTS OF THE GOVERNMENT DURING THE PRESENT YEAR.

*Be it enacted, etc., as follows:*

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to meet expenses for the year ending December the thirty-first, in the year eighteen hundred and eighty-five, to wit:—

SUPREME JUDICIAL COURT.

S. J. C., clerk. For the salary of the clerk of the supreme judicial court, three thousand dollars.

Reporter. For the salary of the reporter of decisions of the supreme judicial court, three hundred dollars.

Officers and messengers. For the salaries of the officers and messenger of the supreme judicial court, sixteen hundred dollars.

Expenses. For expenses of the supreme judicial court, a sum not exceeding two thousand dollars.

SUPERIOR COURT.

Superior Court, Chief justice. For the salary of the chief justice of the superior court, five thousand three hundred dollars.

Associate justices. For the salaries of the ten associate justices of the superior court, fifty thousand dollars.

COURTS OF PROBATE AND INSOLVENCY.

Judges—Suffolk. For the salary of the judge of probate and insolvency for the county of Suffolk, four thousand dollars.

Middlesex. For the salary of the judge of probate and insolvency for the county of Middlesex, three thousand dollars.

Worcester. For the salary of the judge of probate and insolvency for the county of Worcester, two thousand five hundred dollars.

Essex. For the salary of the judge of probate and insolvency for the county of Essex, three thousand dollars.

Norfolk. For the salary of the judge of probate and insolvency for the county of Norfolk, two thousand dollars.

Bristol. For the salary of the judge of probate and insolvency for the county of Bristol, one thousand eight hundred dollars.

Plymouth. For the salary of the judge of probate and insolvency for the county of Plymouth, one thousand five hundred dollars.

For the salary of the judge of probate and insolvency for the county of Berkshire, one thousand six hundred dollars. Berkshire.

For the salary of the judge of probate and insolvency for the county of Hampden, two thousand dollars. Hampden.

For the salary of the judge of probate and insolvency for the county of Hampshire, one thousand four hundred dollars. Hampshire.

For the salary of the judge of probate and insolvency for the county of Franklin, one thousand four hundred dollars. Franklin.

For the salary of the judge of probate and insolvency for the county of Barnstable, one thousand dollars. Barnstable.

For the salary of the judge of probate and insolvency for the county of Nantucket, five hundred dollars. Nantucket.

For the salary of the judge of probate and insolvency for the county of Dukes County, five hundred dollars. Dukes County.

For the salary of the register of probate and insolvency for the county of Suffolk, three thousand dollars. Register — Suffolk.

For the salary of the register of probate and insolvency for the county of Middlesex, two thousand dollars. Middlesex.

For the salary of the register of probate and insolvency for the county of Worcester, two thousand dollars. Worcester.

For the salary of the register of probate and insolvency for the county of Essex, two thousand dollars. Essex.

For the salary of the register of probate and insolvency for the county of Norfolk, one thousand five hundred dollars. Norfolk.

For the salary of the register of probate and insolvency for the county of Bristol, one thousand eight hundred dollars. Bristol.

For the salary of the register of probate and insolvency for the county of Plymouth, one thousand five hundred dollars. Plymouth.

For the salary of the register of probate and insolvency for the county of Hampden, one thousand eight hundred dollars. Hampden.

For the salary of the register of probate and insolvency for the county of Berkshire, one thousand six hundred dollars. Berkshire.

For the salary of the register of probate and insolvency for the county of Hampshire, one thousand four hundred dollars. Hampshire.

For the salary of the register of probate and insolvency for the county of Franklin, one thousand four hundred dollars. Franklin.

Barnstable.	For the salary of the register of probate and insolvency for the county of Barnstable, one thousand dollars.
Nantucket.	For the salary of the register of probate and insolvency for the county of Nantucket, six hundred dollars.
Dukes County.	For the salary of the register of probate and insolvency for the county of Dukes County, six hundred dollars.
Ass't register — Suffolk.	For the salary of the assistant register of probate and insolvency for the county of Suffolk, two thousand dollars.
Middlesex.	For the salary of the assistant register of probate and insolvency for the county of Middlesex, one thousand five hundred dollars.
Worcester.	For the salary of the assistant register of probate and insolvency for the county of Worcester, one thousand five hundred dollars.
Essex.	For the salary of the assistant register of probate and insolvency for the county of Essex, one thousand five hundred dollars.
Norfolk.	For the salary of the assistant register of probate and insolvency for the county of Norfolk, one thousand one hundred dollars.
Clerk in Suffolk.	For the salary of the clerk to the register of probate and insolvency for the county of Suffolk, one thousand two hundred dollars.
Extra clerical assistance.	For extra clerical assistance to the courts of probate and insolvency in the several counties of the Commonwealth, a sum not exceeding seven thousand four hundred dollars.
Expenses.	For expenses of courts of probate and insolvency, a sum not exceeding two thousand dollars.

## DISTRICT ATTORNEYS.

District attorney, Suffolk.	For the salary of the district attorney for Suffolk district, four thousand five hundred dollars.
Ass't district attorneys.	For the salaries of the first and second assistant district attorneys for Suffolk district, two thousand five hundred dollars each.
Clerk.	For the salary of the clerk for the district attorney for the Suffolk district, one thousand dollars.
District attorney— Northern district.	For the salary of the district attorney for the northern district, two thousand four hundred dollars.
Eastern district.	For the salary of the district attorney for the eastern district, two thousand four hundred dollars.
Southeastern district.	For the salary of the district attorney for the southeastern district, one thousand eight hundred dollars.

For the salary of the district attorney for the southern district, one thousand eight hundred dollars. Southern district.

For the salary of the district attorney for the middle district, one thousand eight hundred dollars. Middle district.

For the salary of the district attorney for the western district, one thousand eight hundred dollars. Western district.

For the salary of the district attorney for the northwestern district, one thousand three hundred and fifty dollars. Northwestern district.

SECT. 2. This act shall take effect upon its passage.

*Approved January 29, 1885.*

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AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT FOR THE PRESENT YEAR. *Chap. 3*

*Be it enacted, etc., as follows :*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, except as herein provided, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December, in the year eighteen hundred and eighty-five, to wit : — Appropriations.

LEGISLATIVE DEPARTMENT.

For the salaries of the clerks of the senate and house of representatives, three thousand dollars each. Clerks of Senate and House.

For the salaries of the assistant clerks of the senate and house of representatives, one thousand five hundred dollars each. Assistant clerks.

For the salary of the sergeant-at-arms, three thousand dollars. Sergeant-at-arms.

For the salary of the engineer at the state house, one thousand four hundred dollars. Engineer.

For the salary of the watchman at the state house, eight hundred dollars. Watchman.

For the salaries of the four messengers to the sergeant-at-arms, known as "sergeant-at arms messengers," eleven hundred dollars each. Messengers.

For the salaries of the fireman at the state house, and fireman and janitor at the "Commonwealth Building," nine hundred dollars each. Firemen and janitor.

For the salary of the assistant fireman at the state house, two dollars and one-half *per diem* for each day employed. Assistant fireman.

## EXECUTIVE DEPARTMENT.

Lieutenant-governor.	For the compensation of the lieutenant-governor, two thousand dollars, and for the executive council, six thousand four hundred dollars. For the travelling expenses of the executive council, one thousand dollars.
Council.	
Private secretary.	For the salary of the private secretary of the governor, one thousand five hundred dollars.
Executive clerk.	For the salary of the executive clerk of the governor and council, one thousand five hundred dollars.
Messenger.	For the salary of the messenger of the governor and council, nine hundred dollars.

## SECRETARY'S DEPARTMENT.

Secretary.	For the salary of the secretary of the Commonwealth, three thousand dollars.
First clerk.	For the salary of the first clerk in the secretary's department, one thousand eight hundred dollars.
Second clerk.	For the salary of the second clerk in the secretary's department, one thousand five hundred dollars.
Third clerk.	For the salary of the third clerk in the secretary's department, one thousand three hundred dollars.
Additional clerks.	For a messenger, and such additional clerical assistance as the secretary may find necessary, a sum not exceeding eleven thousand dollars.

## TREASURER'S DEPARTMENT.

Treasurer.	For the salary of the treasurer and receiver-general, four thousand dollars.
First clerk.	For the salary of the first clerk in the treasurer's department, two thousand three hundred dollars.
Second clerk.	For the salary of the second clerk in the treasurer's department, one thousand eight hundred dollars.
Cashier.	For the salary of the cashier in the treasurer's department, one thousand eight hundred dollars.
Fund clerk.	For the salary of the fund clerk in the treasurer's department, one thousand two hundred dollars.
Extra clerks.	For the salaries of the three extra clerks in the treasurer's department, one thousand two hundred dollars each.

## TAX COMMISSIONER'S DEPARTMENT.

Deputy tax commissioner.	For the salary of the deputy tax commissioner, two thousand seven hundred and fifty dollars.
First clerk.	For the salary of the first clerk of the tax commissioner, one thousand eight hundred dollars.

For the salary of the second clerk of the tax commissioner, one thousand three hundred dollars. Second clerk.

For such additional clerical assistance as the tax commissioner and commissioner of corporations may find necessary, a sum not exceeding twelve thousand dollars. Additional clerks.

#### AUDITOR'S DEPARTMENT.

For the salary of the auditor of accounts, two thousand five hundred dollars. Auditor of accounts.

For the salary of the first clerk in the auditor's department, one thousand eight hundred dollars. First clerk.

For the salary of the second clerk in the auditor's department, one thousand five hundred dollars. Second clerk.

For the salaries of the two extra clerks in the auditor's department, one thousand two hundred dollars each; and for such additional clerical assistance as the auditor may find necessary, a sum not exceeding five hundred dollars. Extra clerks.

#### ATTORNEY-GENERAL'S DEPARTMENT,

For the salary of the attorney-general, four thousand dollars. Attorney-general.

For the salary of the assistant attorney-general, two thousand dollars. Assistant attorney-general.

#### COMMISSIONERS ET AL.

For the salaries of the commissioners on savings banks, five thousand six hundred dollars. Commissioners on savings banks.

For the salary of the first clerk of the commissioners on savings banks, one thousand three hundred dollars; for the salary of the extra clerk of said commissioners, seven hundred dollars. First clerk.

For the salary of the insurance commissioner, three thousand dollars. Extra clerk.

For the salary of the deputy insurance commissioner, two thousand five hundred dollars. Insurance commissioner.

For the salary of the deputy insurance commissioner, two thousand five hundred dollars. Deputy.

For the salary of the first clerk of the insurance commissioner, one thousand eight hundred dollars. First clerk.

For the salary of the second clerk of the insurance commissioner, one thousand five hundred dollars. Second clerk.

For the salary of one extra clerk in the insurance commissioner's department, one thousand dollars. Extra clerk.

For such additional clerical assistance in the department of the insurance commissioner as may be necessary for the Additional clerks.

despatch of public business, a sum not exceeding seven thousand dollars.

Inspector of gas meters.

For the salary of the inspector of gas meters, two thousand dollars, and for the salary of the assistant inspector of gas meters, one thousand two hundred dollars.

Secretary of commissioners of prisons.

For the salary of the secretary of the commissioners of prisons, two thousand dollars.

Clerk.

For the salary of the clerk of the commissioners of prisons, seven hundred dollars.

Railroad commissioners.

For the salaries of the railroad commissioners, eleven thousand dollars.

Clerk.

For the salary of the clerk of the railroad commissioners, two thousand dollars.

Accountant.

For the salary of the accountant of the railroad commissioners, two thousand dollars.

Assayer and inspector of liquors.

For the salary of the assayer and inspector of liquors, five hundred dollars.

Chief of Bureau of statistics of labor.

For the salary of the chief of the bureau of statistics of labor, two thousand five hundred dollars.

First clerk.

For the salary of the first clerk in the bureau of statistics of labor, one thousand five hundred dollars.

Second clerk.

For the salary of the second clerk in the bureau of statistics of labor, one thousand three hundred dollars.

Additional clerks.

For such additional assistance, and for the necessary expenses of the bureau of statistics of labor, a sum not exceeding five thousand dollars.

Commissioners on state aid.

For the salary and expenses of the commissioners on state aid, a sum not exceeding four thousand five hundred dollars.

Harbor and land commissioners.

For the salaries of the harbor and land commissioners, five thousand five hundred dollars.

Engineer and assistants.

For the compensation and expenses of the engineer, for clerical and other assistants authorized by the harbor and land commissioners, a sum not exceeding thirty-three hundred dollars.

Civil service commission.

For the salary of the chief examiner of the civil service commission, two thousand five hundred dollars; for the salary of the secretary of said commission, one thousand two hundred dollars.

#### AGRICULTURAL DEPARTMENT.

Secretary of board of agriculture.

For the salary of the secretary of the board of agriculture, two thousand five hundred dollars.

Clerk.

For the salary of the clerk of the secretary of the board of agriculture, eleven hundred dollars.

For other clerical assistance in the office of the secretary of the board of agriculture, and for lectures before the board, at its annual and other meetings, a sum not exceeding eight hundred dollars.

Additional clerks.  
Lectures.

## EDUCATIONAL DEPARTMENT.

For the salary and expenses of the secretary of the board of education, two thousand nine hundred dollars, to be paid out of the moiety of the income of the Massachusetts school fund applicable to educational purposes.

Secretary of board of education.

For the salary of the assistant librarian and clerk of the board of education, two thousand dollars.

Assistant librarian and clerk.

For such additional clerical assistance in the state library as may be found necessary, a sum not exceeding two thousand dollars.

Additional clerks.

For the purchase of books for the state library, three thousand three hundred dollars.

Purchase of books.

## MILITARY DEPARTMENT.

For the salary of the adjutant-general, two thousand five hundred dollars.

Adjutant-general.

For the salary of the first clerk in the adjutant-general's department, one thousand eight hundred dollars.

First clerk.

For the salary of the second clerk in the adjutant-general's department, one thousand six hundred dollars.

Second clerk.

For the salary of an additional clerk in the adjutant-general's department, one thousand six hundred dollars.

Additional clerk.

For the salaries of two extra clerks in the adjutant-general's department, one thousand two hundred dollars each.

Extra clerks.

For the salary of the messenger in the adjutant-general's department, eight hundred dollars.

Messenger.

For such additional clerical assistance as the adjutant-general may find necessary, and for compensation of employees at the state arsenal, a sum not exceeding five thousand five hundred dollars.

Additional clerical assistance.  
Employees at arsenal.

For the salary of the surgeon-general, one thousand two hundred dollars.

Surgeon-general.

## MISCELLANEOUS.

For the carrying out the provisions of the contract of the Troy and Greenfield Railroad Company, under authority of chapter forty-eight of the resolves of eighteen hundred and eighty-three, thirty-five thousand dollars.

Troy and Greenfield Railroad Company.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1885.*

**Chap. 4** AN ACT RELATING TO A LEASE OF THE RAILROAD OF THE NORTH  
BROOKFIELD RAILROAD COMPANY.

*Be it enacted, etc., as follows:*

Lease to be ratified by vote of stockholders.

SECTION 1. Any lease of the railroad of the North Brookfield Railroad Company, or of any part of said railroad, to the Boston and Albany Railroad Company, for any term not exceeding ninety-nine years, agreed to by the directors of the two corporations, shall take effect on being ratified by a majority in interest of the stockholders of each corporation voting at a meeting of the stockholders of each corporation called for the purpose.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1885.*

**Chap. 5** AN ACT CONCERNING ELECTIONS IN TOWNS.

*Be it enacted, etc., as follows:*

Election of town officers.

SECTION 1. The provisions of chapter two hundred and ninety-nine of the acts of the year eighteen hundred and eighty-four shall not apply to town meetings held for the election of town officers.

SECTION 2. This act shall take effect upon its passage.

*Approved February 6, 1885.*

**Chap. 6** AN ACT TO AUTHORIZE THE FIRE DISTRICT NUMBER ONE OF NORTH  
ATTLEBOROUGH TO MAKE AN ADDITIONAL WATER LOAN.

*Be it enacted, etc., as follows:*

May issue additional bonds.

SECTION 1. The Fire District Number One of North Attleborough, for the purposes mentioned in section eleven of chapter one hundred and eighty-one of the acts of the year eighteen hundred and eighty-three, may issue bonds, notes or scrip, to be denominated on the face thereof "North Attleborough Fire District Water Loan," to an amount not exceeding twenty-five thousand dollars, in addition to the amount heretofore authorized by law to be issued by said fire district for the same purposes; said bonds, notes or scrip, to be issued upon the same terms and conditions and with the same powers as are provided in said act for the issue of the "North Attleborough Fire District Water Loan" by said fire district: *provided*, that the whole amount of such bonds, notes or scrip, issued by said fire district for the same purposes shall not, in any event, exceed the amount of one hundred and twenty-five thousand dollars.

Whole amount not to exceed \$125,000.

SECTION 2. This act shall take effect upon its passage.

*Approved February 6, 1885.*

AN ACT EMPOWERING WOMEN TO HOLD THE OFFICE OF ASSISTANT REGISTER OF DEEDS. *Chap. 7*

*Be it enacted, etc., as follows :*

SECTION 1. No person shall be deemed ineligible to hold the office of assistant register of deeds by reason of sex. Women may hold the office of assistant register of deeds.

SECTION 2. This act shall take effect upon its passage.

*Approved February 6, 1885.*

AN ACT TO GIVE THE TRUSTEES OF THE EASTERN RAILROAD COMPANY ADDITIONAL AUTHORITY TO INVEST THE SINKING FUND OF SAID CORPORATION. *Chap. 8*

*Be it enacted, etc., as follows :*

SECTION 1. The sinking fund provided for by section fourteen of chapter two hundred and thirty-six of the acts of eighteen hundred and seventy-six may be invested by the trustees in the certificates of indebtedness of said Eastern Railroad Company at market prices, or in any securities in which the savings institutions of the Commonwealth are authorized to invest their funds. Investment of sinking fund in certificates of indebtedness, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved February 6, 1885.*

AN ACT MAKING APPROPRIATIONS FOR SUNDRY CHARITABLE EXPENSES. *Chap. 9*

*Be it enacted, etc., as follows :*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to meet sundry charitable expenses for the year ending on the thirty-first day of December, eighteen hundred and eighty-five. Appropriations.

STATE BOARD OF HEALTH, LUNACY AND CHARITY.

For travelling and other necessary expenses of the state board of health, lunacy and charity, a sum not exceeding sixteen hundred dollars. Board of health, lunacy and charity.

For the salary and incidental expenses of the clerk and auditor of the state board of health, lunacy and charity, a sum not exceeding seventeen hundred dollars. Clerk and auditor.

For salaries and expenses in the health department of the state board of health, lunacy and charity, a sum not exceeding eight thousand five hundred dollars. Health department.

Inspection of milk, food and drugs.	For salaries and expenses in connection with the inspection of milk, food and drugs, ten thousand dollars.
In-door poor.	For salaries and expenses in the department of in-door poor, a sum not exceeding twenty-five thousand dollars.
Out-door poor.	For salaries and expenses in the department of out-door poor, a sum not exceeding seventeen thousand five hundred dollars.
Inspector of charities.	For salaries and expenses in the department of the inspector of charities, a sum not exceeding eight thousand dollars.
Auxiliary visitors.	For travelling and other necessary expenses of the auxiliary visitors of the state board of health, lunacy and charity, a sum not exceeding fifteen hundred dollars.

## MISCELLANEOUS CHARITABLE EXPENSES.

State paupers in lunatic hospitals.	For the support and relief of state paupers in the lunatic hospitals and asylums of the Commonwealth, a sum not exceeding one hundred and thirty-six thousand dollars.
Transportation to almshouse.	For the transportation of state paupers to the state almshouse, a sum not exceeding seven hundred dollars.
Transportation of state paupers.	For the transportation of state paupers, a sum not exceeding fifteen thousand dollars.
Cases of settlement and bastardy.	For expenses attending the management of cases of settlement and bastardy, a sum not exceeding two thousand dollars.
Indigent and neglected children.	For the care and maintenance of indigent and neglected children, a sum not exceeding ten thousand dollars.
Infant asylums.	For the re-imbursement of the infant asylums for the support of infants having no known settlement in the Commonwealth, a sum not exceeding twelve thousand dollars.
Support of sick state paupers by cities and towns.	For the support of sick state paupers by cities and towns, a sum not exceeding forty-two thousand five hundred dollars, which is made applicable for the payment of claims for the present and previous years.
Burial of state paupers.	For the burial of state paupers by cities and towns, for the present and previous years, a sum not exceeding six thousand five hundred dollars.
Temporary support by cities and towns.	For the temporary support of state paupers by cities and towns, for the present and previous years, a sum not exceeding fifteen thousand dollars.
Outside foundlings.	For the support and transportation of outside foundlings, a sum not exceeding fifteen thousand dollars.
School for the feeble-minded.	For the support of state paupers and special pupils in the Massachusetts school for the feeble-minded, a sum not exceeding fifteen thousand dollars.

For expenses incurred in connection with small-pox and other diseases dangerous to the public health, a sum not exceeding ten thousand dollars. Dangerous diseases.

For expenses incurred in connection with medical examinations and inquests, a sum not exceeding three thousand five hundred dollars. Medical examinations and inquests.

For annuities due from the Commonwealth, incurred by the acceptance of the bequests of the late Martha Johnnot, a sum not exceeding thirteen hundred dollars. Johnnot annuities.

For other annuities authorized by the legislature, a sum not exceeding two thousand six hundred and fifty-nine dollars. Annuities.

For pensions, a sum not exceeding five hundred and twenty dollars. Pensions.

#### GRATUITIES.

For a gratuity payable to the town of Westfield, authorized by the legislature, five thousand dollars. Town of Westfield.

SECTION 2. This act shall take effect upon its passage.

*Approved February 11, 1885.*

#### AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE WORKHOUSE AT BRIDGEWATER. Chap. 10

*Be it enacted, etc., as follows :*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the payment of salaries and expenses at the state workhouse at Bridgewater, during the year eighteen hundred and eighty-five, to wit : — Appropriations.

For the payment of salaries, wages and labor at the state workhouse at Bridgewater, a sum not exceeding eleven thousand dollars ; and for current expenses at said institution, a sum not exceeding thirty-two thousand dollars. Salaries and expenses at state workhouse.

SECTION 2. This act shall take effect upon its passage.

*Approved February 11, 1885.*

#### AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE DISTRICT POLICE FORCE. Chap. 11

*Be it enacted, etc., as follows :*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the payment of Appropriations.

salaries and expenses of the district police force, during the year eighteen hundred and eighty-five, to wit : —

District police —  
Salary of chief.

For the salary of the chief of the district police force, a sum not exceeding one thousand seven hundred dollars.

Compensation  
of members.

For compensation of members of the district police force, a sum not exceeding eighteen thousand dollars.

Travelling  
expenses.

For travelling expenses actually paid by members of the district police force, a sum not exceeding nine thousand dollars.

Incidental and  
contingent  
expenses.

For incidental and contingent expenses of the district police force, a sum not exceeding two thousand five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 11, 1885.*

**Chap. 12** AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT  
THE STATE ALMSHOUSE AT TEWKSBURY

*Be it enacted, etc., as follows :*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the payment of salaries and current expenses at the state almshouse at Tewksbury, during the year eighteen hundred and eighty-five, to wit : —

Statealmshouse.  
Salaries and  
expenses.

For salaries, wages and labor at the state almshouse at Tewksbury, a sum not exceeding twenty-one thousand dollars; and for current expenses at said institution, a sum not exceeding seventy-five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 11, 1885.*

**Chap. 13** AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT  
THE STATE PRISON, MASSACHUSETTS REFORMATORY, THE REFORMATORY  
PRISON FOR WOMEN, AND FOR EXPENSES IN CONNECTION  
THEREWITH.

*Be it enacted, etc., as follows :*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, for the purposes herein specified, from the ordinary revenue, to meet expenses for the year ending on the thirty-first day of December, eighteen hundred and eighty-five, to wit : —

State prison.  
Salaries and  
expenses.

For payment of salaries and wages at the state prison at Charlestown, a sum not exceeding forty-seven thousand

four hundred dollars; and for other current expenses at said institution, a sum not exceeding sixty-eight thousand five hundred dollars.

For expenses at the Charlestown state prison, authorized by section two of chapter three hundred and thirty-one of the acts of the year eighteen hundred and eighty-four, a sum not exceeding twenty thousand nine hundred and eighty-four dollars and forty-nine cents.

Expenses  
authorized by  
1884, 331, § 2.

For payment of salaries and wages at the Massachusetts reformatory at Concord, a sum not exceeding forty-six thousand dollars; and for other current expenses at the said institution, a sum not exceeding fifty-four thousand dollars.

Massachusetts  
reformatory.  
Salaries and  
expenses.

For payment of salaries and wages at the reformatory prison for women at Sherborn, a sum not exceeding twenty-one thousand dollars; and for other current expenses at said institution, a sum not exceeding forty-one thousand eight hundred dollars.

Prison for  
women.  
Salaries and  
expenses.

For expenses incurred in removing prisoners to and from the reformatory prison for women, a sum not exceeding two hundred dollars.

Removing  
prisoners.

For the salary of the agent for aiding convicts discharged from the state prison, one thousand dollars; and for expenses of such agent, a sum not exceeding three thousand dollars, to be used in rendering assistance to said convicts.

Agent for re-  
lieving dis-  
charged  
convicts.

For the salary of the agent for aiding female convicts discharged from the prisons of the Commonwealth, a sum not exceeding seven hundred dollars; and for expenses of said agent, and for assistance to said convicts, a sum not exceeding twenty-three hundred dollars.

Agent for aiding  
female convicts.

For payment of the cost of supporting prisoners removed from the reformatory prison for women, a sum not exceeding four hundred dollars.

Support of pris-  
oners removed.

For aiding prisoners discharged from the Massachusetts reformatory, a sum not exceeding three thousand dollars, to be expended by the commissioners of prisons.

Aid for prison-  
ers discharged  
from Mass. re-  
formatory.

For removal of prisoners to and from the Massachusetts reformatory, a sum not exceeding one thousand dollars.

Removal of  
prisoners.

For incidental and contingent expenses of the commissioners of prisons, a sum not exceeding eight hundred dollars.

Expenses of  
commissioners.

For travelling expenses of the commissioners of prisons and the secretary thereof, a sum not exceeding eight hundred dollars.

Travelling  
expenses.

Fugitives from justice.

For expenses incurred in the arrest of fugitives from justice, a sum not exceeding two thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 11, 1885.*

**Chap. 14** AN ACT MAKING APPROPRIATIONS FOR PRINTING AND BINDING PUBLIC DOCUMENTS, FOR EDITING REGISTRATION REPORT, PURCHASE OF PAPER, PUBLISHING LAWS, AND PREPARING TABLES AND INDEXES RELATING TO THE STATUTES.

*Be it enacted, etc., as follows :*

**Appropriations.** SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, to meet expenses for the year ending on the thirty-first day of December in the year one thousand eight hundred and eighty-five, to wit : —

**Printing and binding public documents.** For printing and binding the series of public documents, under the direction of the secretary of the Commonwealth, a sum not exceeding thirty thousand dollars.

**Pamphlet edition of acts and resolves.** For printing the pamphlet edition of the acts and resolves of the present year, for distribution in the Commonwealth, a sum not exceeding two thousand five hundred dollars.

**"Blue Book" edition of acts and resolves.** For printing and binding the "blue book" edition of the acts and resolves of the present year, with the governor's message, and other matters, in the usual form, a sum not exceeding three thousand dollars.

**Newspaper publication.** For the newspaper publication of the general laws, and all information intended for the public, a sum not exceeding five hundred dollars.

**Assessors' books and blanks.** For assessors' books and blanks, furnished cities and towns by the secretary of the Commonwealth, a sum not exceeding one thousand five hundred dollars.

**Term reports.** For reports of decisions of the supreme judicial court, a sum not exceeding one thousand six hundred dollars.

**Editing registration report.** For editing the registration report, under the direction of the secretary of the Commonwealth, a sum not exceeding five hundred dollars.

**Paper for the state printing.** For the purchase of paper for the Commonwealth, used in the execution of the contract for the state printing, under the direction of the secretary of the Commonwealth, a sum not exceeding twenty-two thousand dollars.

**Tables and indexes to statutes.** For the preparation of tables and indexes relating to the statutes of the present year and subsequent years,

under the direction of the governor, a sum not exceeding three hundred dollars.

For printing and binding ordered by the senate and house of representatives, or by concurrent order of the two branches, a sum not exceeding twenty-one thousand dollars.

Legislative  
printing and  
binding.

SECTION 2. This act shall take effect upon its passage.

*Approved February 11, 1885.*

AN ACT PROVIDING FOR ADDITIONAL CLERICAL ASSISTANCE IN THE OFFICE OF THE TREASURER AND RECEIVER-GENERAL. *Chap. 15*

*Be it enacted, etc., as follows:*

SECTION 1. The treasurer and receiver-general may from time to time temporarily employ in his office such additional clerical assistance as may be necessary for the despatch of the public business, at an expense not exceeding, in any one year, the sum of one thousand dollars.

Additional clerical assistance in office of the treasurer.

SECTION 2. This act shall take effect upon its passage.

*Approved February 12, 1885.*

AN ACT MAKING APPROPRIATIONS FOR COMPENSATION AND MILEAGE OF OFFICERS AND MEN OF THE VOLUNTEER MILITIA, AND FOR OTHER EXPENSES OF THE MILITARY DEPARTMENT. *Chap. 16*

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and eighty-five, to wit: —

Appropriations.

For the compensation of officers and men of the volunteer militia, a sum not exceeding eighty thousand dollars.

Volunteer militia.  
Compensation.

For transportation of officers and men of the volunteer militia, while on military duty, a sum not exceeding fifteen thousand dollars.

Transportation.

For incidental and contingent expenses of the adjutant-general's department, a sum not exceeding three thousand dollars.

Adjutant-general.

For rent of brigade and battalion headquarters and company armories, a sum not exceeding thirty-one thousand dollars.

Headquarters and armories.

For incidental and contingent expenses of the quartermaster's department, a sum not exceeding five thousand dollars.

Quartermaster's department.

Quartermaster's  
supplies.

For quartermasters' supplies, a sum not exceeding eight thousand dollars.

Camp ground.

For grading and care of the camp ground of the state at Framingham, a sum not exceeding one thousand dollars.

Military  
accounts.

For military accounts in connection with the volunteer militia, not otherwise provided for, a sum not exceeding four thousand dollars.

Medical  
supplies.

For medical supplies for the use of the volunteer militia, a sum not exceeding five hundred dollars.

Surgeon-  
general.

For incidental and contingent expenses of the surgeon-general, a sum not exceeding five hundred dollars.

Record of offi-  
cers, sailors and  
marines.

For expenses in connection with the record of Massachusetts officers, sailors and marines, a sum not exceeding five hundred dollars; the unexpended balance of the appropriations authorized by chapter thirty-two of the acts and chapter forty-five of the resolves of the year eighteen hundred and eighty-four, amounting to ten hundred and thirty-two dollars and twenty-five cents, is hereby re-appropriated and made applicable to the same purposes.

Proceeds of sale  
of grass to be  
applied to pur-  
chase of military  
supplies.

Any sums of money received under the provisions of section eighty-eight of chapter fourteen of the Public Statutes, and from the sale of grass at the state camp ground, may be expended by the quartermaster-general, under the direction of the governor and council, for the purchase of other military supplies, and for the care and improvement of said ground.

SECTION 2. This act shall take effect upon its passage.

*Approved February 12, 1885.*

### Chap. 17

AN ACT TO AMEND "AN ACT TO INCORPORATE THE DEDHAM WATER COMPANY."

*Be it enacted, etc., as follows:*

Amendment to  
1876, 138, § 6.

SECTION 1. Section six of chapter one hundred and thirty-eight of the acts of the year eighteen hundred and seventy-six is hereby amended so as to read as follows:—

Capital stock  
and bonds.

The capital stock of said corporation shall not exceed two hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and said corporation may, at any time, issue bonds and secure the same by a mortgage on its franchise and other property to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

SECTION 2. This act shall take effect upon its passage.

*Approved February 12, 1885.*

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT  
THE STATE INDUSTRIAL SCHOOL FOR GIRLS. *Chap. 18*

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are ap- Appropriations.  
propriated, to be paid out of the treasury of the Common-  
wealth, from the ordinary revenue, for the purposes  
specified, to meet expenses for the year ending on the  
thirty-first day of December in the year eighteen hundred  
and eighty-five, to wit: —

For the payment of salaries, wages and labor at the State industrial  
state industrial school for girls, at Lancaster, a sum not school for girls.  
exceeding seven thousand dollars; and for other current  
expenses at said institution, a sum not exceeding eleven  
thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 16, 1885.*

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES *Chap. 19*  
AT THE STATE PRIMARY SCHOOL AT MONSON.

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are ap- Appropriations.  
propriated, to be paid out of the treasury of the Common-  
wealth, from the ordinary revenue, for payment of salaries  
and expenses at the state primary school at Monson,  
during the year eighteen hundred and eighty-five, to  
wit: —

For salaries and wages at the state primary school at State primary  
Monson, a sum not exceeding seventeen thousand dollars; school.  
and for current expenses at said institution, a sum not  
exceeding thirty-four thousand dollars, and for boarding  
out children a sum not exceeding three thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 16, 1885.*

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT *Chap. 20*  
THE LYMAN SCHOOL FOR BOYS.

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are app- Appropriations.  
propriated, to be paid out of the treasury of the Common-  
wealth, from the ordinary revenue, to meet expenses for  
the term of six months ending on the thirtieth day of June  
in the year eighteen hundred and eighty-five, to wit: —

Lyman school  
for boys.

For the payment of salaries, wages and labor at the Lyman school for boys, at Westborough, a sum not exceeding six thousand five hundred dollars; and for other current expenses of said institution, a sum not exceeding eight thousand five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 16, 1885.*

**Chap. 21** AN ACT TO ENABLE THE ASSOCIATION FOR THE RELIEF OF AGED AND DESTITUTE WOMEN IN SALEM TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

*Be it enacted, etc., as follows:*

May hold addi-  
tional real and  
personal estate.

SECTION 1. The Association for the Relief of Aged and Destitute Women in Salem is hereby authorized to hold real and personal estate in the manner and for the purposes set forth in chapter one hundred eighty-three of the acts of the year eighteen hundred and sixty, to an amount not exceeding three hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 16, 1885.*

**Chap. 22** AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND EXPENSES OF THE COMMISSIONERS ON FISHERIES.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified herein, to wit:—

Commissioners  
on inland  
fisheries.

For compensation and expenses of the commissioners on inland fisheries, a sum not exceeding five thousand six hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 16, 1885.*

**Chap. 23** AN ACT TO CHANGE THE NAME OF THE BROOKLINE SOCIAL CLUB.

*Be it enacted, etc., as follows:*

Name changed  
to Brookline  
Club.

SECTION 1. The name of the Brookline Social Club, a corporation formed and established under the Public Statutes of the Commonwealth, is changed to Brookline Club.

SECTION 2. This act shall take effect upon its passage.

*Approved February 16, 1885.*

AN ACT RELATIVE TO PUBLICATION AND PRESENTATION TO THE *Chap. 24*  
GENERAL COURT OF CERTAIN PETITIONS.

*Be it enacted, etc., as follows:*

SECTION 1. Whoever intends to present to the general court a petition specially affecting the rights of a city, town, or fire district, for the incorporation of a railroad, street railway, elevated railroad, or canal company, or for the amendment of the charter of any such company, for authority to take water for a water supply, or relative to building structures over navigable or tide water, shall give notice of such petition by publishing a copy of the same once a week for three successive weeks in such newspaper or newspapers as the secretary of the Commonwealth, having regard to the locality of the interests involved in such petition, shall direct, the last publication to be at least fourteen days before the session at which the petition is to be presented.

Petitions to the general court affecting rights of a city, town, etc., for a water supply or for incorporation of a railroad.

SECTION 2. Such petitions shall be deposited in the office of the secretary of the Commonwealth, with proof of publication satisfactory to him, on or before the first day of January, and the secretary shall transmit the same to the general court during the first week of the session, with the endorsement in each case that the required publication has been made.

To be deposited in secretary's office, with proof of publication.

SECTION 3. Sections five, six, seven, eight, nine, ten, eleven, twelve, thirteen and fourteen of chapter two of the Public Statutes are repealed.

Repeal.

SECTION 4. This act shall take effect upon its passage.

*Approved February 19, 1885.*

AN ACT TO CHANGE THE NAME OF THE T. W. TYLER MANUFACTURING *Chap. 25*  
COMPANY.

*Be it enacted, etc., as follows:*

SECTION 1. The name of the T. W. Tyler Manufacturing Company, incorporated under chapter one hundred and six of the Public Statutes, is changed to that of The Lynn Shoe Supply Company.

Name changed.

SECTION 2. This act shall take effect upon its passage.

*Approved February 19, 1885.*

AN ACT TO AUTHORIZE THE AMERICAN WATCH COMPANY TO CHANGE *Chap. 26*  
ITS CORPORATE NAME AND TO INCREASE ITS CAPITAL STOCK.

*Be it enacted, etc., as follows:*

SECTION 1. The American Watch Company, located in the city of Waltham, may take the corporate name of American Waltham Watch Company.

Name changed.

Increase of  
capital stock.

SECTION 2. The said corporation may increase its capital stock to an amount not exceeding two millions five hundred thousand dollars, in addition to the amount of its present capital stock; the same to be divided into shares of the par value of one hundred dollars each.

SECTION 3. This act shall take effect upon its passage.

*Approved February 19, 1885.*

**Chap. 27** AN ACT RELATING TO THE TERMS OF THE SUPERIOR COURT FOR HAMPDEN COUNTY.

*Be it enacted, etc., as follows:*

Terms of court  
for criminal  
business.

SECTION 1. There shall be holden at Springfield, within and for the county of Hampden, an additional term of the superior court for criminal business; and hereafter terms of said court for criminal business shall be held at said Springfield on the first Monday of May, the fourth Monday of September and the third Monday of December. The grand jury for Hampden County shall assemble at the terms of the court hereby established.

To take effect  
July 1, 1885.

SECTION 2. This act shall take effect on the first day of July in the year one thousand eight hundred and eighty-five.

*Approved February 19, 1885.*

**Chap. 28** AN ACT TO AUTHORIZER THE TOWN OF QUINCY TO PAY CERTAIN BOUNTIES.

*Be it enacted, etc., as follows:*

May pay boun-  
ties to certain  
soldiers.

SECTION 1. The town of Quincy is authorized to raise by taxation a sum of money not exceeding five hundred dollars, and appropriate the same to the payment of a bounty of one hundred and twenty-five dollars to each of the following soldiers:—Daniel F. French, Francis P. Loud, Samuel B. Turner and Thomas Smith: *provided*, that said town shall not be re-imbursed by the Commonwealth for any money paid under authority of this act.

Proviso.

To be paid to  
widow or heirs,  
if soldier is  
dead.

SECTION 2. If any such soldier has died or shall die before he receives his bounty it shall be paid to his widow, or if he leaves no widow, to his lawful heirs.

SECTION 3. This act shall take effect upon its passage.

*Approved February 19, 1885.*

**Chap. 29** AN ACT CHANGING THE FORM OF INDEXES KEPT IN REGISTRIES OF DEEDS.

*Be it enacted, etc., as follows:*

Indexes to con-  
tain names of  
towns where the  
lands lie.

SECTION 1. Hereafter registers of deeds, in every county except Suffolk, shall provide in the indexes pre-

scribed in section twenty-two, chapter twenty-four of the Public Statutes, an additional column with a title or head as follows:—Town where the lands lie. And they shall enter in such column the name of the city or town in which are located the lands described in the deed or other instrument to be recorded, whenever the same is therein disclosed.

SECTION 2. This act shall take effect on the first day of January in the year eighteen hundred and eighty-six. To take effect Jan. 1, 1886.

*Approved February 19, 1885.*

AN ACT TO AUTHORIZE THE GENERAL CHARITABLE SOCIETY OF NEW-BURYPORT TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE. *Chap. 30*

*Be it enacted, etc., as follows:*

SECTION 1. The General Charitable Society of New-buryport, incorporated by chapter two hundred and eighty-one of the acts of eighteen hundred and fifty-six, is hereby authorized to hold real and personal estate to an amount not exceeding thirty thousand dollars. May hold additional real and personal estate.

SECTION 2. This act shall take effect upon its passage.

*Approved February 19, 1885.*

AN ACT IN RELATION TO COMMISSIONERS TO TAKE ACKNOWLEDGMENTS OF DEEDS IN FOREIGN COUNTRIES. *Chap. 31*

*Be it enacted, etc., as follows:*

Section fourteen of chapter eighteen of the Public Statutes is hereby amended so as to read as follows:—

*Section 14.* Every such commissioner, before performing any duty of his office, shall take and subscribe an oath or affirmation before a judge or clerk of a court of record of the country in which he resides, or before a minister or consul of the United States appointed to reside in such country, faithfully to discharge the duties of his office; which oath or affirmation, with his signature and an impression of his official seal, shall be forthwith transmitted to and filed in the office of the secretary of this Commonwealth. Oath of office.

*Approved February 19, 1885.*

AN ACT RELATIVE TO THE EXAMINATION OF OFFICIAL BONDS. *Chap. 32*

*Be it enacted, etc., as follows:*

SECTION 1. Every officer, board or court of the Commonwealth, except the governor and council, required by law to approve any bond given for the performance of the Official bonds to be annually examined as to their sufficiency.

duties of any office, occupation, agency or trust, which is in the custody of the treasurer and receiver-general, shall annually in the month of March, and at any other time when such officer, board or court may have reason to believe such bond has become insufficient, examine as to the sufficiency of the same. And such examination shall be reported by the person or persons making it, or by their authorized agent, to the governor and council within thirty days after the same has been concluded. In case any such bond shall appear to be insufficient, the person or persons examining the same shall at once notify the obligor thereof, and shall require a new bond such as may be by law required to be filed before entering upon the performance of the duties of such office, occupation, agency or trust, within thirty days from the date of such notice.

New bond to be required, if found insufficient.

Examination of bonds by a committee of the council.

SECTION 2. In case of bonds which are by law approved by the governor or the governor and council, similar examination shall be annually made during the month of March, by a committee of the council appointed by the governor, and in case any such bond is found insufficient, notice shall be given to the obligor, and a new bond required, as provided in the preceding section concerning other bonds.

Officer, etc., failing to file new bond, as required, to be removed.

SECTION 3. If in any case the requirement for filing a new bond shall not be complied with within the time limited, the governor with the advice and consent of the council shall remove the obligor from the office or trust, or terminate his authority to exercise such occupation or agency, and thereupon like proceedings shall be had as in case of a vacancy occurring from any other cause.

In addition to other acts regulating proceedings in case of defective bonds.

SECTION 4. This act shall be taken to be in addition to any other acts regulating proceedings in case of defective bonds, and shall take effect upon its passage.

*Approved February 24, 1885.*

**Chap. 33** AN ACT TO INCORPORATE THE CITIZENS' SAVINGS BANK IN THE TOWN OF READING.

*Be it enacted, etc., as follows :*

Citizens' Savings Bank.

SECTION 1. Charles H. Nowell, Joseph L. Pratt, Horace E. Stone, Edward F. Parker, Kirk Sweetser, Arthur W. Carr, Wendell Bancroft, Joseph H. Gleason, Charles A. Weston, Lucius Turner, Robert Bowser,

Lewis M. Bancroft, David C. Temple, James H. Carleton, their associates and successors, are hereby made a corporation by the name of the Citizens' Savings Bank, to be located in the town of Reading, with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to savings banks and institutions for savings.

Powers and  
duties.

SECTION 2. This act shall take effect upon its passage.

*Approved February 24, 1885.*

AN ACT TO INCORPORATE THE SOMERVILLE SAVINGS BANK.

*Chap. 34*

*Be it enacted, etc., as follows:*

SECTION 1. Selwyn Z. Bowman, Silas H. Holland, Robert A. Vinal, Charles S. Lincoln, Oren S. Knapp, Philip Eberle, Josiah Q. Bennett and Edward B. Buckingham, their associates and successors, are hereby made a corporation by the name of the Somerville Savings Bank, to be located in the city of Somerville, with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to savings banks and institutions for savings.

Somerville Sav-  
ings Bank.

Powers and  
duties.

SECTION 2. Chapter seventy-four of the acts of the year one thousand eight hundred and seventy is hereby repealed, and the corporation known as the Somerville Savings Bank organized under said act is hereby dissolved.

Corporation dis-  
solved, 1870, 74.

SECTION 3. This act shall take effect upon its passage.

*Approved February 24, 1885.*

AN ACT IN RELATION TO REMOVALS OF PRISONERS TO THE STATE WORKHOUSE AND TO THE MASSACHUSETTS REFORMATORY.

*Chap. 35*

*Be it enacted, etc., as follows:*

SECTION 1. Upon the application of the county commissioners of any county the commissioners of prisons may remove from any jail or house of correction in said county to the state workhouse any male prisoner held in such jail or house of correction under a sentence for being a vagrant or a tramp, and said removals shall be subject to the provisions of chapter two hundred and nineteen of the Public Statutes relative to removals made in accordance with the provisions of section six of said chapter.

Removal of pri-  
soners from jails  
and houses of  
correction to the  
state work-  
house.

Removal of prisoners from the state workhouse to the Mass. reformatory.

SECTION 2. Said commissioners may remove from the state workhouse to the Massachusetts reformatory any person held in said workhouse under a sentence. All the provisions of chapter two hundred and fifty-five of the acts of the year eighteen hundred and eighty-four, relative to the removal of prisoners from a county prison to said reformatory, shall apply to the removal of prisoners under this section.

SECTION 3. This act shall take effect upon its passage.

*Approved February 24, 1885.*

**Chap. 36** AN ACT TO EXTEND THE PROVISIONS OF CHAPTER FOUR HUNDRED AND ONE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FOUR IN RELATION TO THE TAKING OF LAND BY THE FITCHBURG RAILROAD COMPANY.

*Be it enacted, etc., as follows:*

Time extended for taking land, re-locating portions of road, etc.

SECTION 1. The time within which the Fitchburg Railroad Company may avail itself of the rights and privileges granted by chapter four hundred and one of the acts of the year eighteen hundred and seventy-four is hereby extended to June thirtieth, eighteen hundred and ninety.

Land not to be taken in Boston, east of Charles River avenue or Charles River bridge.

SECTION 2. Said chapter of the acts of the year eighteen hundred and seventy-four and this act shall not authorize said Fitchburg Railroad Company to take any lands east of Charles River Avenue or Charles River Bridge in any part of the city of Boston.

*Approved February 24, 1885.*

**Chap. 37** AN ACT TO INCORPORATE THE TOWN OF MILLIS.

*Be it enacted, etc., as follows:*

Town of Millis incorporated.

SECTION 1. All that part of the town of Medway comprised within the following limits, that is to say, beginning at a stone bound at an angle in the boundary line between the towns of Medway and Holliston about sixty rods distant from Orchard Street and near the Nathan Plimpton place, so called, and running southerly in a straight line to the north-westerly corner of Farm and Village streets, thence continuing in the same course to the middle of Charles River; thence following the present boundary lines between the town of Medway and the towns of Norfolk, Medfield, Sherborn and Holliston, to the above-mentioned stone bound, the place of beginning, is hereby set off from Medway and incorporated a town by the name of Millis; and the town of Millis is hereby invested with

Set off from town of Medway.

all the powers, privileges, rights and immunities, and made subject to all the duties and liabilities, of other towns of the Commonwealth.

SECTION 2. The inhabitants and estates within the territory hereby set off and the owners of such estates shall be holden to pay all taxes assessed and in arrears to the same persons, and such taxes may be collected in the same manner, as if this act had not been passed; and until the next state valuation the town of Millis annually in the month of November shall pay to the town of Medway one-quarter of all the state and county taxes that shall be assessed upon Medway; and the assessors of Medway shall return the valuation of the two towns respectively to the secretary of the Commonwealth and to the county commissioners of the county of Norfolk.

Assessment and collection of taxes.

SECTION 3. The towns of Millis and Medway shall be liable respectively for the relief and support of all persons now or hereafter needing aid as paupers who may or have derived or acquired a settlement within their respective limits; and the town of Millis shall pay annually to the town of Medway such proportion of all costs for the relief and support of persons now or hereafter needing aid as paupers who may or have derived or acquired a settlement by reason of military service as part of the quota of Medway, or who cannot be located on the site whence their settlement is derived or whereon it was acquired, as the valuation of the town of Millis bears to that of Medway as it is now bounded, according to the last state valuation prior to said relief and support.

Relief and support of paupers.

SECTION 4. Existing rights of action in favor of or against the town of Medway may be instituted and prosecuted or defended by said town in the same manner and with like effect as before the passage of this act, and the amount recovered therein shall be paid or received as the case may be by the town of Medway, and reckoning costs and expenses, including counsel fees, shall be divided between the towns in the ratio of one-fourth to Millis and three-fourths to Medway.

Actions against or in favor of town of Medway.

Division of costs and expenses.

SECTION 5. The corporate property of the town of Medway both real and personal in being at the time of the passage of this act, and the town debts then existing, shall be divided between the towns in the ratio of one-fourth to Millis and three-fourths to Medway. The towns shall severally retain and hold all the real and personal property

Division of debts and of corporate property.

To be determined by commissioners, if towns fail to agree.

now within their respective limits, upon a valuation to be agreed by the boards of selectmen of both towns in concurrence, and differences in valuation shall be equalized and balances adjusted by apportionment of the town funded debt. In case of a failure to agree upon a valuation or division of the assets and liabilities, the same shall be determined by a board of three commissioners, neither of whom shall be residents of either of said towns, to be appointed by the superior court for the county of Norfolk in term time or vacation upon petition of either town with notice to the other. The commission so appointed shall sit and, after hearing both parties, determine the matters of disagreement aforesaid, and return their award into said court, and the award of the majority, when accepted by the court, shall be final; and said court may issue any writ or make any order thereon necessary to carry the same into effect. The award may be set aside for fraud or manifest error, but for no other cause, and thereupon may be re-committed to the same or other commissioners to be appointed for the same purpose, with like powers and duties, as aforesaid.

Election districts.

SECTION 6. The town of Millis shall, until otherwise provided by law, continue to be a part of the ninth congressional district, of the second councillor district, of the second Norfolk senatorial district and the eighth Norfolk representative district; and at all elections the inhabitants of the town of Millis shall vote at polling places to be furnished within the town. The selectmen and clerk of the town of Millis shall make returns of elections as if the town had existed at the time of the formation of said districts.

First meeting for election of town officers.

SECTION 7. Any justice of the peace within and for Norfolk County, residing in the town of Millis, may issue his warrant, directed to any inhabitant of said town requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at the time and place therein appointed, for the purpose of choosing all such officers as towns are by law authorized and required to choose at their annual meetings; and said warrant shall be served by posting copies thereof, attested by the person to whom the same is directed, in three or more public places in the town of Millis, seven days at least before such time of meeting. Such justice, or in his absence such inhabitant required to notify the meeting, shall pre-

side until the choice of moderator in said town meeting. The selectmen of the town of Medway shall, before said meeting, prepare a list of voters in the town of Millis, qualified to vote at said meeting, and shall deliver the same to the person presiding at such meeting before the choice of moderator thereof.

SECTION 8. The town of Millis shall bear the expense of making the necessary surveys and establishing the lines between the towns of Medway and Millis.

Millis to pay for surveys, etc.

SECTION 9. The town of Medway shall pay to the town of Millis a quarter part of whatever amount may hereafter be refunded to said town of Medway, from the state or United States, to re-imburse it for bounties to soldiers, or state aid heretofore paid to the families of soldiers, after deducting all reasonable expenses.

Reimbursement for bounties and for state aid to soldiers.

SECTION 10. All rights heretofore secured to existing corporations upon the territory hereby incorporated shall continue as though this act had not been passed.

Rights of existing corporations to continue.

SECTION 11. This act shall take effect upon its passage.

*Approved February 24, 1885.*

AN ACT CONCERNING THE MEMBERSHIP OF THE SUPREME PARLIAMENT OF THE GOLDEN RULE ALLIANCE.

*Chap. 38*

*Be it enacted, etc., as follows:*

SECTION 1. The Supreme Parliament of the Golden Rule Alliance, a corporation organized under chapter one hundred and fifteen of the Public Statutes, may receive as members other persons than those described in its certificate of organization.

Admission of members.

SECTION 2. This act shall take effect upon its passage.

*Approved February 25, 1885.*

AN ACT MAKING APPROPRIATIONS FOR INCIDENTAL, CONTINGENT AND MISCELLANEOUS EXPENSES OF THE VARIOUS DEPARTMENTS AND COMMISSIONS OF THE GOVERNMENT.

*Chap. 39*

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, for the purposes specified, to be paid out of the treasury of the Commonwealth, to meet current expenses of the year ending on the thirty-first day of December in the year eighteen hundred and eighty-five, to wit:—

Appropriations.

## LEGISLATIVE DEPARTMENT.

- Senate stationery. For stationery for the senate purchased by the clerk, a sum not exceeding nine hundred dollars.
- House stationery. For stationery for the house purchased by the clerk, a sum not exceeding one thousand six hundred dollars.
- Sergeant-at-arms' stationery, etc. For books, stationery, printing and advertising ordered by the sergeant-at-arms, a sum not exceeding eight hundred dollars.
- Incidental and contingent expenses. For incidental and contingent expenses of the sergeant-at-arms, a sum not exceeding three hundred dollars.

## EXECUTIVE DEPARTMENT.

- Contingent expenses. For the contingent expenses of the executive department, the sum of three thousand dollars.
- Postage, printing and stationery. For postage, printing and stationery of the executive department, a sum not exceeding eight hundred dollars.
- Contingent expenses. For contingent expenses of the governor and council, a sum not exceeding one thousand five hundred dollars.
- Postage, printing and stationery. For postage, printing and stationery for the executive council, a sum not exceeding five hundred dollars.

## STATE HOUSE EXPENSES, ETC.

- State house, repairs. For repairs, improvements and furniture of the state house, a sum not exceeding ten thousand dollars.
- Fuel and lights. For fuel and lights for the state house, a sum not exceeding six thousand dollars.
- Commonwealth building. For repairs, improvements, furniture and other expenses at the Commonwealth building, a sum not exceeding five thousand dollars.

## INCIDENTAL AND CONTINGENT EXPENSES.

- Incidental expenses. Secretary. For incidental expenses in the department of the secretary of the Commonwealth, a sum not exceeding three thousand five hundred dollars.
- Treasurer. For incidental expenses in the department of the treasurer and receiver-general, a sum not exceeding seventeen hundred and fifty dollars.
- Tax commissioner. For incidental and contingent expenses of the tax commissioner's department, a sum not exceeding three thousand dollars.
- Commissioner of corporations. For incidental expenses of the commissioner of corporations, a sum not exceeding four hundred dollars.
- State valuation. For expenses of the state valuation, under the direction of the deputy tax commissioner, a sum not exceeding three thousand dollars.

For incidental expenses in the department of the auditor of the Commonwealth, a sum not exceeding seven hundred dollars.

Auditor.

For incidental expenses of the attorney-general, a sum not exceeding ten hundred and seventy-five dollars; and for expenses of civil actions, a sum not exceeding three hundred dollars.

Attorney general.

## COMMISSIONERS ET AL.

For travelling and other necessary expenses of the harbor and land commissioners, a sum not exceeding one thousand dollars.

Harbor and land commissioners.

For incidental and contingent expenses of the harbor and land commissioners, a sum not exceeding five hundred dollars.

Incidental and contingent expenses.

For incidental expenses of the insurance commissioner's department, a sum not exceeding three thousand dollars.

Insurance commissioner.

For compensation of experts or other agents, for rent of office and for incidental and contingent expenses of the railroad commissioners, a sum not exceeding four thousand one hundred dollars.

Railroad commissioners.

For travelling and incidental expenses of the commissioners on savings banks, the same to include expenses incurred in auditing the accounts of county officers, a sum not exceeding one thousand five hundred dollars.

Commissioners on savings banks.

For travelling and incidental expenses of the inspector and assistant inspector of gas meters, a sum not exceeding six hundred dollars; and for furnishing such additional apparatus as the inspector of gas meters may find necessary, a sum not exceeding two hundred dollars.

Inspectors of gas meters.

For the purpose of exterminating contagious diseases among horses and cattle, a sum not exceeding one thousand five hundred dollars.

Contagious diseases among horses and cattle.

## EXPENSES RESULTING FROM THE WAR OF THE REBELLION.

For the re-imbursement of cities and towns for money paid on account of state and military aid to Massachusetts volunteers and their families, a sum not exceeding three hundred and sixty-five thousand dollars; the same to be payable on or before the first day of December of the present year.

Re-imbursement for payment of state and military aid.

For postage, printing and all other necessary expenses in carrying out the provisions of the state and military aid law, a sum not exceeding five hundred dollars.

Expenses.

Soldiers' bounties.

For payment of bounties due to Massachusetts soldiers who served in the late war, a sum not exceeding one thousand dollars.

#### AGRICULTURAL.

Agricultural bounties.

For bounties to agricultural societies, seventeen thousand one hundred dollars.

Board of agriculture, expenses of.

For travelling and necessary expenses of the members of the board of agriculture, a sum not exceeding one thousand seven hundred dollars.

Secretary.

For travelling and other necessary expenses of the secretary of the board of agriculture, a sum not exceeding three hundred and fifty dollars.

Incidental expenses.

For incidental expenses of the board of agriculture, a sum not exceeding five hundred dollars.

Experimental station.

For maintaining an agricultural experimental station at the Massachusetts agricultural college, in the town of Amherst, the sum of five thousand dollars.

College.

For the Massachusetts agricultural college, for the purpose of providing eighty free scholarships, the sum of ten thousand dollars.

Appropriation of fees.

The fees under section twelve of chapter sixty of the Public Statutes, are hereby appropriated to be used in accordance with the provisions of said section.

#### MISCELLANEOUS.

Census, and industrial statistics.

For clerical services and other expenses in connection with taking the decennial census and industrial statistics of the Commonwealth, a sum not exceeding one hundred and fifty thousand dollars.

Wrecks.

For expenses in connection with the removal of wrecks and other obstructions from tide waters, a sum not exceeding five thousand dollars.

Unclaimed moneys in hands of receivers of insolvent corporations.

For the payment of unclaimed moneys in the hands of receivers of certain insolvent corporations, after the same has been deposited in the treasury of the Commonwealth, a sum not exceeding ten thousand dollars.

Public administrators.

To carry out the provisions of the act relative to the payment by the treasurer of the Commonwealth of funds received from public administrators, a sum not exceeding four thousand dollars.

Roads in Mashpee.

For expenses incurred in the construction and repair of roads in the town of Mashpee, during the year eighteen hundred and eighty-four, the sum of three hundred dollars.

To the sheriffs of the different counties, for distributing proclamations, blanks and making return of votes, a sum not exceeding five hundred dollars. Sheriffs, for distributing blanks, etc.

For weights, measures, balances and reports for sundry newly incorporated towns, a sum not exceeding two thousand and four hundred dollars. Weights and measures.

For travelling and other necessary expenses of the trustees of the State primary, reform and industrial schools, a sum not exceeding one thousand two hundred dollars. Expenses of trustees of reform, etc., schools.

For expenses in connection with a topographical survey and map of Massachusetts, authorized by chapter seventy-two of the resolves of the year eighteen hundred and eighty-four, a sum not exceeding fifteen thousand dollars. Survey and map of the state.

SECTION 2. This act shall take effect upon its passage.

*Approved February 25, 1885.*

AN ACT IN RELATION TO THE FEES OF SPECIAL JUSTICES OF DISTRICT, *Chap. 40*  
POLICE AND MUNICIPAL COURTS.

*Be it enacted, etc., as follows :*

A special justice of a district, police or municipal court, who holds an inquest under the provisions of chapter twenty-six of the Public Statutes, shall be entitled to the same fees as are allowed to trial justices for similar services; but this act shall not apply to special justices of such courts who are by law entitled to other compensation as such justices than is provided under section twenty-six of chapter one hundred and fifty-four of the Public Statutes. Fees of special justices of district, etc., courts.

*Approved, February 25, 1885.*

AN ACT RELATING TO THE ANNUAL FINANCIAL ESTIMATES FOR APPROPRIATIONS. *Chap. 41*

*Be it enacted, etc., as follows :*

SECTION 1. The annual financial estimates, required by section twenty-six of chapter sixteen of the Public Statutes, to be made on or before the fifteenth day of December in each year to the secretary of the Commonwealth, shall hereafter be made to the auditor of the Commonwealth, who shall embody such estimates, together with those of his own department, in one document, which shall be printed and laid before the general court on the second Wednesday of the succeeding January for its examination. Estimates for appropriations to be made to the auditor.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

*Approved February 25, 1885.*

**Chap. 42** AN ACT FOR THE RELIEF OF THE MUNICIPAL COURT OF THE CITY OF BOSTON.

*Be it enacted, etc., as follows:*

Special sessions may be held at the discretion of the chief justice.

SECTION 1. The chief justice of the municipal court of the city of Boston, when in his opinion the public business requires it, may request the special justice to hold a session of said court additional to such as are now provided by law, and the clerk shall enter such request of record; and said special justice during the continuance of such request shall have and exercise all the powers and duties of the justices of said court, and shall be paid therefor by the county of Suffolk at the rate of ten dollars a day for each day's service. In case of the death, sickness or absence of the chief justice, or his incapacity to act, the power to request the special justice to hold court as herein before provided shall devolve upon the senior justice for the time being.

Assistant to the clerk for criminal business,

SECTION 2. There shall be appointed in the manner provided by law for the appointment of assistant clerks of said court a second assistant to the clerk for civil business, who shall receive an annual salary of sixteen hundred dollars.

SECTION 3. This act shall take effect upon its passage.

*Approved February 25, 1885.*

**Chap. 43** AN ACT TO CHANGE THE NAME OF THE WALTHAM WATCH TOOL COMPANY.

*Be it enacted, etc., as follows:*

Name changed.

SECTION 1. The name of the Waltham Watch Tool Company, a corporation established under the laws of the Commonwealth, is changed to and shall hereafter be known by the name of United States Watch Company.

SECTION 2. This act shall take effect upon its passage.

*Approved February 25, 1885.*

**Chap. 44** AN ACT TO CONFIRM CERTAIN ACTS OF THE PLUMB ISLAND TURNPIKE AND BRIDGE CORPORATION.

*Be it enacted, etc., as follows:*

Transfers of stock not required to be under seal.

SECTION 1. Transfers of stock in the Plumb Island Turnpike and Bridge Corporation, incorporated by act approved February twenty-fourth, in the year eighteen hundred and six, shall not be required to be made under seal nor to be acknowledged; and no transfer of its stock

heretofore made shall be deemed invalid solely because such transfer was not under seal or not acknowledged.

SECTION 2. No meeting of said corporation heretofore held, and no proceeding, act, election or vote of such meeting, and no contract, deed, issue or transfer of stock authorized by or accepted at such meeting, shall be deemed invalid because any person or persons acted as officers or stockholders at said meeting, who held stock by transfers not under seal or not acknowledged and recorded. Acts confirmed.

SECTION 3. This act shall take effect upon its passage.

*Approved February 25, 1885.*

AN ACT RELATING TO WRITS ISSUED BY DISTRICT, POLICE AND MUNICIPAL COURTS. Chap. 45

*Be it enacted, etc., as follows:*

SECTION 1. Section sixteen of chapter one hundred and fifty-four of the Public Statutes is amended so as to read as follows: — when one of several defendants resides within the judicial district of any district, police or municipal court, the writ issued by such court may run into any county and be served on the other defendant or defendants fourteen days at least before its return day, in like manner as if issued by the superior court. Writs to run into any county when one of several defendants resides within the district.

SECTION 2. This act shall take effect upon its passage.

*Approved February 25, 1885.*

AN ACT MAKING APPROPRIATIONS FOR CERTAIN EDUCATIONAL EXPENSES. Chap. 46

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, except as herein directed, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December, eighteen hundred and eighty-five, to wit: — Appropriations.

For the support of state normal schools, a sum not exceeding sixty-three thousand one hundred and seventy-six dollars, to be paid out of the moiety of the income of the school fund applicable to educational purposes. Normal schools.

For the support of the state normal art school, to include rent, taxes, etc., a sum not exceeding sixteen thousand two hundred and ten dollars, to be paid from the unappropriated balance of the moiety of the income of Normal art school.

the school fund applicable to educational purposes, and the excess, if any, from the treasury.

Teachers' institutes.

For teachers' institutes, a sum not exceeding two thousand dollars, to be paid out of the moiety of the income of the school fund applicable to educational purposes.

County teachers' associations.

For county teachers' associations, a sum not exceeding three hundred dollars, to be paid out of the moiety of the income of the school fund applicable to educational purposes.

Massachusetts teachers' association.

For the Massachusetts teachers' association, the sum of three hundred dollars, to be paid out of the moiety of the income of the school fund applicable to educational purposes, subject to the approval of the state board of education.

Agents of board of education.

For the salaries and expenses of the agents of the board of education, a sum not exceeding nine thousand three hundred and ninety dollars.

Incidental expenses.

For incidental expenses of the board of education and for the secretary thereof, a sum not exceeding twelve hundred dollars.

Dukes County teachers' association.

For the Dukes county teachers' association, the sum of fifty dollars.

Aid to pupils in normal schools.

For aid to pupils in state normal schools, a sum not exceeding four thousand dollars, payable in semi-annual payments, to be expended under the direction of the state board of education.

Expenses of board of education.

For travelling and other necessary expenses of the board of education, a sum not exceeding four hundred dollars.

Institution for the blind.

For the Perkins institution and Massachusetts school for the blind, the sum of thirty thousand dollars.

Deaf and dumb.

For the support of Massachusetts beneficiaries in asylums for the deaf and dumb, and in other institutions of the same character, a sum not exceeding forty thousand dollars.

State library.

For the contingent expenses of the state library, to be expended under the direction of the trustees and librarian, a sum not exceeding eight hundred dollars.

Rogers book fund, etc.

The income of the Rogers book fund, of the Todd normal school fund and of the two technical educational funds, shall be expended in accordance with the provisions of the various acts relating thereto.

SECTION 2. This act shall take effect upon its passage.

*Approved February 26, 1885.*

AN ACT TO INCORPORATE THE NEVINS MEMORIAL, IN THE TOWN OF METHUEN. Chap. 47

*Be it enacted, etc., as follows:*

SECTION 1. Eliza S. Nevins of Methuen, David Nevins of Framingham, and Henry C. Nevins, John H. Morse and Jacob Emerson of Methuen, all of Massachusetts, their associates and successors, are hereby made a corporation by the name of Nevins Memorial, for the purpose of establishing and maintaining in the town of Methuen an institution to aid in the promotion of education and the diffusion of knowledge by means of a library free to all the inhabitants of said town, a hall for lectures and public entertainments, and rooms for social meetings, and the collection and exhibition of works of art, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may hold real and personal estate not exceeding three hundred thousand dollars in value for the purposes for which it is organized; and all gifts, grants, devises and bequests thereto shall be held and used for such purposes and in conformity to the conditions upon which the same shall be made and given if such conditions are not inconsistent with the provisions of this act.

Real and personal estate not exceeding \$300,000.

SECTION 3. The persons herein before named as corporators, together with two persons to be elected by the town of Methuen, as hereinafter provided, shall constitute the board of trustees of said corporation. Said trustees shall have the entire management, control and direction of the affairs of said corporation and shall choose from their number a president and clerk, and may prescribe the duties of each, and from time to time may make such by-laws and regulations for the management of the institution, its property and funds, and for the use of its building and library, as they may deem best for carrying out the purposes thereof.

Board of trustees.

SECTION 4. The number of the trustees shall not exceed seven, and two of them shall be elected, one for the term of two years and one for the term of one year, by the town of Methuen at its first annual meeting held after the passage of this act; and thereafter one trustee shall be elected annually by the town for the term of two years.

Trustees not to exceed seven.

Vacancies.

Any vacancy occurring at any time in the board of trustees shall be filled by appointment by the five trustees herein named and their successors, the trustees elected by the town having no voice therein.

SECTION 5. This act shall take effect upon its passage.

*Approved February 26, 1885.*

**Chap. 48** AN ACT TO DETERMINE THE TIME OF HOLDING THE LAW TERMS OF THE SUPREME JUDICIAL COURT IN THE COUNTY OF WORCESTER.

*Be it enacted, etc., as follows:*

Law terms in  
county of  
Worcester.

SECTION 1. The terms of the supreme judicial court, for entering and hearing questions of law, in the county of Worcester, shall be held at Worcester on the third Monday after the second Tuesday of September in each year.

Repeal.

SECTION 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

*Approved February 26, 1885.*

**Chap. 49** AN ACT TO ESTABLISH THE SALARY OF THE STANDING JUSTICE OF THE MUNICIPAL COURT OF THE BRIGHTON DISTRICT OF THE CITY OF BOSTON.

*Be it enacted, etc., as follows:*

Salary estab-  
lished.

SECTION 1. The annual salary of the standing justice of the municipal court of the Brighton District of the city of Boston shall be sixteen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 26, 1885.*

**Chap. 50** AN ACT TO AUTHORIZE THE TOWN OF BRAINTREE TO PAY CERTAIN BOUNTIES.

*Be it enacted, etc., as follows:*

Bounties may be  
paid to certain  
soldiers.

SECTION 1. The town of Braintree is authorized to raise by taxation a sum of money not exceeding two hundred and fifty dollars, and appropriate the same to the payment of a bounty of one hundred and twenty-five dollars to each of the following soldiers: — Charles L. Holbrook and Edward Huff: *provided*, that said town shall not be re-imbursed by the Commonwealth for any money paid under authority of this act.

To be paid to  
widow, etc., in  
case of death of  
soldier.

SECTION 2. If either of said soldiers has died or shall die before he receives his bounty, it shall be paid to his widow, or, if he leaves no widow, to his lawful heirs.

SECTION 3. This act shall take effect upon its passage.

*Approved February 26, 1885.*

AN ACT TO CHANGE THE NAME OF THE SOCIETY KNOWN AS THE CHURCH OF THE REDEEMER IN LEXINGTON. *Chap. 51*

*Be it enacted, etc., as follows:*

SECTION 1. The religious society known as the Church of the Redeemer in Lexington shall hereafter be called and known as the Follen Church. Name changed.

SECTION 2. This act shall take effect upon its passage.

*Approved February 27, 1885.*

AN ACT IN RELATION TO CLERICAL ASSISTANCE FOR THE COMMISSIONERS OF PRISONS. *Chap. 52*

*Be it enacted, etc., as follows:*

SECTION 1. The commissioners of prisons may expend for clerical assistance a sum not exceeding seventeen hundred dollars annually. Clerical assistance for commissioners of prisons.

SECTION 2. So much of section thirty-nine of chapter two hundred and nineteen of the Public Statutes as is inconsistent herewith is hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

*Approved February 27, 1885.*

AN ACT TO AUTHORIZE THE TOWN OF WESTPORT TO CONSTRUCT A BRIDGE OVER THE EAST BRANCH OF WESTPORT RIVER. *Chap. 53*

*Be it enacted, etc., as follows:*

SECTION 1. The selectmen of the town of Westport may lay out a way, and said town may construct and maintain a bridge over the east branch of Westport River, from Westport Point to Horse Neck Beach, both in said town, subject to the provisions of chapter nineteen of the Public Statutes. May construct bridge over Westport River.

SECTION 2. This act shall take effect upon its passage.

*Approved February 27, 1885.*

AN ACT TO AUTHORIZE THE TRUSTEES OF THE TRINITY CHURCH IN BRIDGEWATER TO TRANSFER ITS PROPERTY TO THE TRUSTEES OF DONATIONS TO THE PROTESTANT EPISCOPAL CHURCH, AND TO DISOLVE SAID FIRST NAMED CORPORATION. *Chap. 54*

*Be it enacted, etc., as follows:*

SECTION 1. The Trustees of the Trinity Church in Bridgewater, a corporation established by chapter two hundred and nineteen of the acts of the year eighteen hundred and fifty-six, is hereby authorized and empowered to sell, transfer and convey unto the Trustees of Do- May convey property to the trustees of donations to the Protestant Episcopal Church.

nations to the Protestant Episcopal Church, a corporation established by chapter ninety of the acts of the year eighteen hundred and ten, all the property both real, personal and mixed, which said Trustees of the Trinity Church now holds or is in possession of, or which has been conveyed or transferred to it; the said Trustees of Donations to hold all said property upon the same terms, conditions and trusts as the said Trustees of the Trinity Church now holds the same, whether said terms, conditions and trusts are expressed in the deeds, assignments, gifts or bequests by which the said Trustees of the Trinity Church holds the same, or not.

Corporation to be dissolved when conveyance has been made.

SECTION 2. Whenever the president and secretary of the Trustees of the Trinity Church in Bridgewater shall certify under oath to the secretary of the Commonwealth that the transfers and conveyances named in section one have been made by the Trustees of the Trinity Church aforesaid to the said Trustees of Donations, and that the same have been received and accepted by said Trustees of Donations, and that by reason thereof the said Trustees of Trinity Church hold no property, either real, personal or mixed, under its act of incorporation, the secretary of the Commonwealth shall make record of such certificate, and thereupon the said corporation, the Trustees of Trinity Church in Bridgewater, shall be dissolved.

SECTION 3. This act shall take effect upon its passage.

*Approved March 4, 1885.*

## Chap. 55

### AN ACT TO INCORPORATE THE BELMONT SAVINGS BANK.

*Be it enacted, etc., as follows:*

Belmont Savings Bank incorporated.

SECTION 1. J. Varnum Fletcher, Josiah H. Kendall, J. Henry Fletcher, Jacob Hittinger, William J. Underwood, William E. Stowe, John Murray Brown, Thomas W. Davis, Winthrop L. Chenery, John C. Palfrey and Thomas D. Blake, their associates and successors, are hereby made a corporation by the name of the Belmont Savings Bank, to be located in the town of Belmont, with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to savings banks and institutions for savings.

SECTION 2. This act shall take effect upon its passage.

*Approved March 5, 1885.*

AN ACT TO INCORPORATE THE NORTH MIDDLESEX SAVINGS BANK. *Chap. 56**Be it enacted, etc., as follows:*

SECTION 1. Levi Wallace, Benj. H. Hartwell, Andrew Atwood, Hewett C. Winslow, Andrew Fairbank, Alfred Page, Oliver W. Mead, Thomas L. Hazen, Daniel W. Fletcher, James R. Gray, Harold E. Spaulding, Milo H. Shattuck, Gardner Prouty, their associates and successors, are hereby made a corporation by the name of the North Middlesex Savings Bank, to be located in the town of Ayer; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in all general laws which now are or may hereafter be in force relating to savings banks and institutions for savings.

North Middlesex Savings Bank incorporated.

SECTION 2. This act shall take effect upon its passage.

*Approved March 5, 1885.*

AN ACT TO AUTHORIZE THE TOWN OF BROOKLINE TO MAKE ANNUAL APPROPRIATIONS FOR SHADE TREES, SHRUBS OR VINES. *Chap. 57**Be it enacted, etc., as follows:*

SECTION 1. The town of Brookline may at an annual meeting, by a vote of two-thirds of the legal voters present and voting thereon, appropriate a sum not exceeding one dollar for each of its ratable polls in the preceding year, to be expended by a committee of three to be chosen by ballot, in setting out and maintaining shade trees, shrubs or vines upon the public squares and highways of said town, or in premiums or in any other way which they may deem most effectual to encourage the planting of shade trees, shrubs or vines upon said public squares or highways by the owners of adjoining real estate, or upon said adjoining real estate, at a distance not exceeding twenty feet from said public squares or highways, for the purpose of shading or ornamenting the same.

Town may appropriate money for shade trees, etc.

SECTION 2. Any appropriations made by said town in pursuance of this act shall be in lieu of and not in addition to the moneys which towns are allowed to appropriate by section twelve, chapter twenty-seven, and section nine, chapter fifty-four of the Public Statutes.

Limitation.

SECTION 3. This act shall take effect upon its passage; but shall become void unless accepted by two-thirds of the voters of said town present and voting at an annual meeting within two years from the passage hereof.

Subject to acceptance by a two-thirds vote.

*Approved March 5, 1885.*

*Chap. 58* AN ACT TO AUTHORIZE THE TOWN OF PLYMOUTH TO ISSUE SECURITIES TO RENEW ITS WATER LOAN.

*Be it enacted, etc., as follows :*

May issue water bonds.

SECTION 1. The town of Plymouth for the purpose of renewing certain water bonds issued under the authority of chapter three hundred and fifty-one of the acts of the year eighteen hundred and fifty-four and of chapter sixty-one of the acts of the year eighteen hundred and fifty-five, and now becoming due, may issue bonds, notes or scrip to an amount not exceeding in the aggregate seventy thousand dollars ; such bonds, notes or scrip shall bear on the face thereof the words “ Plymouth Water Loan, Act of 1885 ; ” shall be payable at the expiration of periods not exceeding thirty years from the first day of June in the year eighteen hundred and eighty-five ; shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer and be countersigned by a majority of the board of selectmen of the town.

May sell securities, or pledge the same for money borrowed.

SECTION 2. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper, provided that such securities shall not be sold or pledged at less than the par value thereof.

May pay debt in annual payments.

SECTION 3. No such bonds, notes or scrip shall be issued unless the said town at the time of authorizing said loan, instead of providing a sinking fund, shall by a majority vote provide for the payment thereof in such annual proportionate payments, beginning with the year eighteen hundred and ninety, as will extinguish the same within the time prescribed in this act ; and when such vote has been passed the amount required thereby shall without further vote be assessed by the assessors of said town, in each year thereafter, until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

The return to state whether action has been taken, etc., under preceding section.

SECTION 4. The return required by section ninety-one of chapter eleven of the Public Statutes shall state whether action has been taken in accordance with the provisions of the preceding section and the amounts raised and applied thereunder for the current year.

SECTION 5. This act shall take effect upon its passage.

*Approved March 6, 1885.*

AN ACT RELATIVE TO SPECIAL JUDGMENTS AGAINST BANKRUPT AND  
INSOLVENT DEBTORS. *Chap. 59**Be it enacted, etc., as follows:*

SECTION 1. When any property of a debtor has, more than four months prior to the commencement of proceedings in bankruptcy, or, in case of voluntary proceedings in insolvency, more than four months prior to the time of the first publication of the notice of the issuing of the warrant, or, in case of involuntary proceedings, more than four months prior to the time of the first publication of the notice of the filing of the petition, been attached, and when it shall be made to appear, by default or otherwise, that the plaintiff is entitled to judgment, except for such bankruptcy or insolvency of the debtor, the court may at any time upon motion enter a special judgment for the plaintiff, for the amount of his debt or damages and costs, to be enforced in the first instance only against the property so attached; and if such property shall be insufficient to satisfy the judgment in full, the court may thereafter, if the debtor's discharge shall be refused, or if he shall unreasonably delay to prosecute said proceedings to a discharge, order an *alias* or other successive execution to be issued upon such judgment for the amount thereof remaining unsatisfied, and the creditor may in case of such refusal or delay have a *scire facias* or action as provided in section seventeen of chapter one hundred and seventy-one of the Public Statutes.

Special judgments against bankrupt and insolvent debtors.

SECTION 2. This act shall take effect upon its passage.

*Approved March 6, 1885.*AN ACT TO ENABLE ANY CITY OR TOWN TO LEASE ITS PUBLIC  
BUILDINGS OR A PART THEREOF TO POSTS OF THE GRAND ARMY  
OF THE REPUBLIC. *Chap. 60**Be it enacted, etc., as follows:*

SECTION 1. Any city or town is authorized to lease for a period not exceeding five years to any post of the Grand Army of the Republic, established in such city or town, to be used by such post solely for the purposes of its organization, any public building, or part thereof, belonging to such city or town, except school houses in actual use as such, on such terms as the board of aldermen of such city or the selectmen of such town may determine.

May lease public buildings to Posts of G. A. R.

SECTION 2. This act shall take effect upon its passage.

*Approved March 6, 1885.*

*Chap. 61* AN ACT CONCERNING THE OVERSEERS OF THE POOR OF THE CITY OF SOMERVILLE.

*Be it enacted, etc., as follows :*

Election of overseers of the poor.

SECTION 1. The city council of the city of Somerville shall, in the month of April in the current year, in joint convention, elect by ballot four persons, not more than one of whom shall be eligible from any one ward of the city, to be overseers of the poor in said city, one person for one year, one person for two years, one person for three years and one person for four years; and said council shall annually thereafter in the month of April in like manner elect one person to serve for four years. These persons so chosen shall, together with the mayor who shall *ex officio* be chairman of the board, constitute the board of overseers of the poor in said city of Somerville.

Term of office.

SECTION 2. The members of said board shall enter upon their duties on the first Monday of May next after their election, and hold office until others are elected and qualified in their stead; vacancies from any cause shall forthwith be filled by the city council in the same manner, and the person elected to fill any vacancy shall hold office during the unexpired term of the member who has ceased to hold office and until another is chosen and qualified in his stead.

Board to annually organize and choose subordinate officers.

SECTION 3. Said board shall annually on the first Monday of May meet and organize and shall choose such subordinate officers and agents as they may deem expedient, and define their duties. Any two of such subordinate offices may be filled by the same person. The salaries of such subordinate officers and agents shall be determined by the city council and paid out of the annual appropriation for the support of the poor; but no member of the board shall be chosen by said board to any position of emolument nor receive any compensation for his services as overseer.

Accounts and reports.

SECTION 4. Said overseers shall render such accounts and reports of their expenditures, acts and doings as may be required by the city council.

Present overseers to hold office until others are elected.

SECTION 5. The present overseers of the poor of the city of Somerville shall hold office until others are elected and qualified under the provisions of this act and no longer.

Repeal.

SECTION 6. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 7. This act shall take effect upon its acceptance by the city council of the city of Somerville by concurrent vote : *provided*, the same shall be accepted within sixty days from the date of its passage.

Subject to acceptance by city council.

*Approved March 6, 1885.*

AN ACT TO ANNEX A PART OF THE TOWN OF WATERTOWN TO THE CITY OF CAMBRIDGE.

*Chap. 62*

*Be it enacted, etc., as follows :*

SECTION 1. All that part of the town of Watertown contained within the line described as follows :— Beginning at the intersection of the westerly line of Coolidge Avenue with the present boundary line between the town of Watertown and the city of Cambridge, thence running on said line of said avenue in a general southwesterly direction three thousand and fifty-four feet as measured on said line of said avenue, thence turning, crossing said avenue and running southerly bounded westerly by land of William W. Treat to the middle of the channel of Charles River five hundred feet, more or less, thence turning and running easterly by the middle of said channel about fourteen hundred and fifty feet to the boundary line between said Watertown and said Cambridge, thence turning and running on said last named boundary line in an irregular line in a general northerly direction to the point of beginning,—with all the inhabitants and estates therein, is hereby set off from the town of Watertown and annexed to the city of Cambridge, and until a new division of wards in the city of Cambridge shall be and constitute a part of the first ward thereof.

Part of Watertown annexed to Cambridge.

SECTION 2. The inhabitants of the territory hereby set off shall continue to be a part of Watertown for the purpose of electing state and county officers, members of the executive council, senators and representatives to the general court, electors of president and vice-president of the United States, and representatives to congress, until the next decennial census, or until another apportionment is made; and the mayor and aldermen of Cambridge shall make a true list of the persons residing in said district, qualified to vote in such elections, post up the same in said territory, correct the same as required by law, and deliver the same to the selectmen of the town of Watertown seven days at least before any such election, and the same shall

Election of state and county officers, representatives, etc.

be used by the selectmen of Watertown for such elections in the same manner as if it had been prepared by the said selectmen.

County and  
town ways.

SECTION 3. The power to alter, straighten, widen and repair and grade the county and town ways in the territory hereby annexed shall be vested in the city council of Cambridge.

Cambridge to  
pay Watertown  
\$15,000.

SECTION 4. The city of Cambridge shall within thirty days from the passage of this act pay to the town of Watertown the sum of fifteen thousand dollars.

Cambridge  
Cemetery Loan  
not to exceed  
\$70,000.

SECTION 5. For the purpose of raising the sum to be paid under the preceding section, and of defraying the cost of the purchase of the territory hereby annexed, or any portion thereof, from the owners, and the expense of preparing the said territory for burial purposes, the city of Cambridge is hereby authorized to issue negotiable bonds to be denominated on the face thereof "Cambridge Cemetery Loan," to be signed by the treasurer and countersigned by the mayor of said city, to an amount not exceeding seventy thousand dollars, bearing interest not exceeding six per cent. per annum, payable semi-annually, the principal to be paid at periods not more than twenty years from the respective issues of said bonds. The said city may sell such bonds, or any part thereof, from time to time, at public or private sale, or pledge the same for money borrowed for the above purposes, but the same shall not be sold or pledged for less than the par value thereof. The said city shall provide, at the time of contracting said loan, for the establishment of a sinking fund for the redemption of said bonds at maturity, and the provisions of the ninth, tenth and eleventh sections of chapter twenty-nine of the Public Statutes shall, so far as the same are applicable, apply to said fund.

Sinking fund to  
be established.

May pay debt  
in annual pro-  
portionate pay-  
ments.

SECTION 6. The said city instead of establishing a sinking fund may, at the time of authorizing said loan, by concurrent vote of both branches of the city council, provide for the payment thereof in such annual proportionate payments, beginning with the year eighteen hundred and eighty-six, as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall, without further vote, be assessed by the assessors of said city in each year thereafter, until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are as-

sessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

SECTION 7. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and, if none is established, whether action has been taken in accordance with the provisions of the preceding section, and the amounts raised and applied thereunder for the current year.

The return to state whether action has been taken under preceding section.

SECTION 8. This act shall take effect upon its passage.

*Approved March 10, 1885.*

AN ACT TO AUTHORIZE THE TOWN OF RANDOLPH TO PAY CERTAIN BOUNTIES. *Chap. 63*

*Be it enacted, etc., as follows:*

SECTION 1. The town of Randolph is authorized to raise by taxation a sum of money not exceeding two hundred dollars and appropriate the same to the payment of a bounty of one hundred dollars each to the following named soldiers: — Nelson E. Knight and James L. Curtis: *provided*, that said town shall not be re-imbursed by the Commonwealth for any money paid under the authority of this act.

May pay bounties to certain soldiers.

SECTION 2. If either of said soldiers has died or shall die before he receives his bounty it shall be paid to his widow or, if he leaves no widow, to his lawful heirs.

To be paid to widow or heirs if soldier dies.

SECTION 3. This act shall take effect upon its passage.

*Approved March 11, 1885.*

AN ACT TO CHANGE THE NAME OF THE SOCIETY KNOWN AS THE GRANTVILLE RELIGIOUS SOCIETY IN WELLESLEY. *Chap. 64*

*Be it enacted, etc., as follows:*

SECTION 1. The society known as The Grantville Religious Society in Wellesley shall hereafter be called and known as the Wellesley Hills Congregational Society.

Name changed.

SECTION 2. This act shall take effect upon its passage.

*Approved March 11, 1885.*

AN ACT TO AMEND THE CHARTER OF THE CITY OF SPRINGFIELD CONCERNING THE ELECTION OF ALDERMEN. *Chap. 65*

*Be it enacted, etc., as follows:*

SECTION 1. The board of aldermen of the city of Springfield shall consist of one citizen of each ward, elected at large by the qualified voters of the city voting in their

Election of aldermen.

respective precincts, and the candidate from each ward who has the highest number of votes shall be declared elected.

Repeal.

SECTION 2. All parts of the charter of the city of Springfield or amendments thereto inconsistent herewith are hereby repealed.

Subject to acceptance by voters.

SECTION 3. This act shall take effect upon its acceptance by a majority of the qualified voters of the city of Springfield, present and voting in their respective precincts, at the next municipal election following the passage of this act.

*Approved March 11, 1885.*

**Chap. 66** AN ACT TO PROVIDE FOR THE DISPOSITION OF FORFEITED PROPERTY WHICH HAS BEEN USED IN GAMING.

*Be it enacted, etc., as follows:*

Disposition of forfeited property used in gaming.

SECTION 1. Section nine of chapter two hundred and twelve of the Public Statutes is amended so as to read as follows: — If upon the trial the property is adjudged forfeit, the type, forms, press, wood-cuts, raw material, and mechanical apparatus described in the fourth clause of section two, and the raw material, tools, machinery, implements, instruments and personal property described in the fifth clause of said section, and all fixtures, furniture and personal property described in the seventh clause of said section two, or so much thereof as the court or justice may order, shall be sold by the sheriff and the proceeds paid into the county treasury; and the remainder of the property shall be burned or otherwise destroyed as the court or justice may order. Any article not found to have been unlawfully used or intended for unlawful use shall be delivered to the owner.

To apply to property seized under P. S., 212, § 2, cl. 7.

SECTION 2. The provisions of the preceding section shall apply to all property heretofore seized under the seventh clause of section two of chapter two hundred and twelve of the Public Statutes.

SECTION 3. This act shall take effect upon its passage.

*Approved March 11, 1885.*

**Chap. 67** AN ACT TO PROVIDE FOR THE ABATEMENT OF DUES OR TAXES FOR SCHOOL BOOKS.

*Be it enacted, etc., as follows:*

Dues for school books may be abated.

SECTION 1. When a collector of taxes of a city or town is satisfied that any sum heretofore added to the annual tax of any parent, master or guardian, as or for the

cost of books furnished under the provisions of section thirty-seven of chapter forty-four of the Public Statutes, cannot be collected for any of the reasons set forth in section seventy-seven of chapter eleven of said statutes he may make such statements, and the assessors may make such abatements, as are provided for in said section of chapter eleven, and the certificate of the assessors abating such tax or any part thereof, shall discharge the collector from further obligation to collect the same.

SECTION 2. This act shall take effect upon its passage.

*Approved March 11, 1885.*

AN ACT TO CHANGE THE NAME OF THE ROD AND GUN CLUB, OF *Chap. 68*  
SPRINGFIELD.

*Be it enacted, etc., as follows:*

SECTION 1. The name of The Rod and Gun Club, a Name changed.  
corporation located at Springfield and established under the laws of the Commonwealth, is changed to Winthrop Club.

SECTION 2. This act shall take effect upon its passage.

*Approved March 11, 1885.*

AN ACT TO AMEND AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF BRISTOL COUNTY TO LAY OUT HIGHWAYS AND BUILD BRIDGES ACROSS LEE'S RIVER AND COLE'S RIVER, IN THE TOWNS OF SOMERSET AND SWANZEY. *Chap. 69*

*Be it enacted, etc., as follows:*

Section one of chapter one hundred and sixty-six of the acts of the year eighteen hundred and seventy-seven is amended by striking out the word "provided" and the words that follow it to the end of the section, and by adding in place thereof the following:—The county commissioners may borrow such sum or sums of money on the credit of the county of Bristol as may be necessary to carry into effect the provisions of said act, and they shall determine what cities and towns receive a particular or special benefit from the construction of such bridge or bridges, and assess upon them and also upon the county, the cost of construction, in such manner and in such proportions as they shall deem equitable and just. The cost of repairing and maintaining said bridge or bridges shall be borne and paid by the cities and towns in said county, or by the county, in such manner and in such proportions as

Bristol County may borrow money to build bridges.

Maintenance of bridges.

shall be determined by the county commissioners. Said commissioners, except as aforesaid, may proceed in the same manner as is now by law provided for laying out and constructing highways and collecting the costs thereof. The commissioners may make assessments for betterments resulting from the construction of said highway, and bridge or bridges, in like manner and with the same effect that a board of town officers, authorized to lay out ways, may make such assessments, under the provisions of chapter fifty-one of the Public Statutes. in towns that have accepted the provisions of chapter one hundred and sixty-nine of the acts of the year eighteen hundred and sixty-nine or of chapter three hundred and eighty-two of the acts of the year eighteen hundred and seventy-one.

Assessments for betterments.

*Approved March 11, 1885.*

**Chap. 70** AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF PLYMOUTH COUNTY TO REMOVE AND REPAIR THE JAILER'S HOUSE, AND ENLARGE THE JAIL AND HOUSE OF CORRECTION IN SAID COUNTY.

*Be it enacted, etc., as follows:*

Plymouth County jail and house of correction may be enlarged.

SECTION 1. The county commissioners of the county of Plymouth are hereby authorized to remove and repair the dwelling house of the officer in charge of the jail and house of correction at Plymouth, and to purchase land upon which to locate said house. They also may enlarge said jail and house of correction by the addition of ten cells.

May borrow and expend \$5,000.

SECTION 2. Said commissioners may expend, for the purposes named in section one of this act, a sum not exceeding five thousand dollars, and may borrow said amount upon the credit of said county.

SECTION 3. This act shall take effect upon its passage.

*Approved March 11, 1885.*

**Chap. 71** AN ACT TO PREVENT TRUANCY.

*Be it enacted, etc., as follows:*

Penalty for inducing any child to truancy.

Whoever, after notice from a truant officer to refrain from so doing, offers a reward for service to any child in consequence of which reward such child is induced unlawfully to absent himself from school, or whoever after notice as aforesaid in any manner entices or induces any child to truancy, or whoever knowingly employs or harbors any unlawful absentee from school, or truant, shall

forfeit not less than twenty nor more than fifty dollars to the use of the public schools of the city or town in which said offence occurs, to be recovered by complaint.

*Approved March 11, 1885.*

AN ACT TO ENABLE THE NORTHERN BAPTIST EDUCATION SOCIETY *Chap. 72*  
TO HOLD ADDITIONAL FUNDS.

*Be it enacted, etc., as follows:*

SECTION 1. The Northern Baptist Education Society, created by chapter eighty-five of the acts of eighteen hundred and thirty, is hereby authorized to hold real and personal property to an amount which, with the amount it is already authorized to hold, shall not exceed one hundred thousand dollars: *provided*, that not more than one-half of this amount shall be invested in real estate. May hold additional real and personal estate.

SECTION 2. This act shall take effect upon its passage.

*Approved March 11, 1885.*

AN ACT FORBIDDING THE SALE AND USE OF OPIUM FOR CERTAIN *Chap. 73*  
PURPOSES.

*Be it enacted, etc., as follows:*

Any person who opens or maintains, to be resorted to by other persons, any place where opium or any of its preparations is sold or given away to be smoked at such place, and any person who at such place sells or gives away any opium or any of its preparations to be there smoked or otherwise used, and any person who visits or resorts to any such place for the purpose of smoking opium or any of its preparations, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the house of correction not exceeding six months, or by both such fine and imprisonment. Penalty on persons maintaining or resorting to any place where opium is delivered for smoking.

*Approved March 11, 1885.*

AN ACT TO INCORPORATE THE LOCKS POND RESERVOIR COMPANY *Chap. 74*  
OF MONTAGUE.

*Be it enacted, etc., as follows:*

SECTION 1. Francis A. Rugg, Thomas F. Harrington, William H. Nims, Augustus Dike, Myron Maynard, Gilman N. Watson, Alvin J. Moore and Sanford S. Graves, Corporators. their associates and successors, are hereby made a corpo-

Name and purpose. ration by the name of Locks Pond Reservoir Company, for the purpose of creating and maintaining a supply of water and water power to use or to sell, or to lease to other corporations or persons to use for manufacturing and mechanical purposes; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

Powers and duties. SECTION 2. The said corporation for the purposes aforesaid shall have power to construct and maintain a dam at the outlet of Locks Pond on Saw Mill River in the town of Shutesbury, at or near the place of the present dam, at a height not exceeding that of the present dam, and to conduct the waters of said pond into said Saw Mill River for the supplying of mills situated on said river.

May construct and maintain a dam. SECTION 3. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount five thousand dollars; and the whole capital stock of said corporation shall not exceed five thousand dollars, to be divided into shares of one hundred dollars each.

Real estate, capital stock and shares. SECTION 4. This act shall take effect upon its passage.

*Approved March 12, 1885.*

**Chap. 75** AN ACT TO PROVIDE FOR THE SERVICE OF PROCESSES IN FAVOR OF OR AGAINST SHERIFFS.

*Be it enacted, etc., as follows:*

Process in favor or against a sheriff, to be served by a sheriff, etc., of adjoining county. SECTION 1. A writ or other process which is sued out in favor of or against a sheriff shall be served or executed by the sheriff or a deputy sheriff of an adjoining county.

Repeal. SECTION 2. Section twenty of chapter twenty-five of the Public Statutes is repealed.

*Approved March 12, 1885.*

**Chap. 76** AN ACT RELATING TO DEPOSITS REMAINING UNCALLED FOR IN THE EMIGRANT SAVINGS BANK IN THE CITY OF BOSTON.

*Be it enacted, etc., as follows:*

Deposits uncalled for, may be paid into the state treasury under an order of the court. SECTION 1. The supreme judicial court upon report made to it by the Emigrant Savings Bank, a corporation located in Boston, of the names and residences, when known, of such of its depositors as are entitled to any money remaining uncalled for in its possession, and the amount due to each, and after such notice, if any, to said depositors as it deems expedient, may order such amounts

to be paid into the treasury of the Commonwealth with the same effect as if said deposit had been ordered in conformity with the provisions of section one of chapter two hundred and fifty-eight of acts of eighteen hundred and eighty-three. Schedules signed by the treasurer of said bank shall be at the same time deposited with the treasurer and the auditor of the Commonwealth, setting forth the decree of the court, and the names and residences, so far as known, of such depositors arranged in alphabetical order, and the amount due to each. The duties of said bank in relation to its books and papers, and the duties of the treasurer and the auditor of the Commonwealth and of the commissioners of savings banks, in relation to proceedings under this act, shall be the same as those set forth in the statutes relating to the disposition of unclaimed money in the hands of receivers of insolvent savings banks.

SECTION 2. This act shall take effect upon its passage.

*Approved March 12, 1885.*

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AN ACT TO ESTABLISH THE SALARY OF THE PRIVATE SECRETARY  
OF THE GOVERNOR.

*Chap. 77*

*Be it enacted, etc., as follows:*

SECTION 1. The salary of the private secretary of the governor, beginning with the first day of January eighteen hundred and eighty-five, shall be two thousand dollars per annum.

Salary  
established.

SECTION 2. This act shall take effect upon its passage.

*Approved March 13, 1885.*

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AN ACT TO AUTHORIZE THE ESSEX COUNTY BUILDING COMPANY TO  
PURCHASE A CERTAIN LOT OF LAND IN SALEM.

*Chap. 78*

*Be it enacted, etc., as follows:*

SECTION 1. The Essex County Building Company, located in the city of Salem, may purchase and hold in fee simple, subject to the provisions of its charter, a certain lot of land with the buildings thereon, situated on Essex Street, Salem, and bounded and described as follows:—

May purchase  
land in Salem

A certain parcel of land with the buildings thereon situate, containing forty-one hundred and forty square feet, bounded and described as follows, to wit:—Beginning at the south-easterly corner at land of Northey on Essex Street, and thence running westerly by said street thirty-

Description  
the land.

nine feet six inches to land of Kinsman ; thence northerly ninety-four feet six inches to land of Rea ; thence easterly by said Rea's land sixty-two feet six inches to Washington Street ; thence southerly by Washington Street twenty-two feet four inches to land of Nourse ; thence westerly twenty-four feet four inches by said Nourse's land ; thence southerly by land of said Nourse and said Northey seventy feet six inches to the point of beginning.

SECTION 2. This act shall take effect upon its passage.

*Approved March 13, 1885.*

**Chap. 79** AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE MUNICIPAL COURT OF THE DORCHESTER DISTRICT OF THE CITY OF BOSTON, AND TO PROVIDE A CLERK FOR SAID COURT.

*Be it enacted, etc., as follows :*

Salary of justice.

SECTION 1. The annual salary of the justice of the municipal court of the Dorchester district of the city of Boston shall be sixteen hundred dollars.

Clerk to be appointed.

SECTION 2. There shall be a clerk of said court, who shall be appointed in accordance with the provisions of law relating to the appointment of clerks of police and district courts, who shall enter upon his duties on the first day of May in the year eighteen hundred and eighty-five.

Salary of the clerk.

SECTION 3. Said clerk shall receive from the county of Suffolk an annual salary of six hundred dollars.

Subject to laws applicable.

SECTION 4. Said clerk shall be subject to all the provisions of law applicable to clerks of police and district courts.

SECTION 5. This act shall take effect upon its passage.

*Approved March 16, 1885.*

**Chap. 80** AN ACT TO DISSOLVE THE HORTICULTURAL SCHOOL FOR WOMEN.

*Be it enacted, etc., as follows :*

Corporation dissolved.

SECTION 1. The Horticultural School for Women, a corporation created in the year eighteen hundred and seventy-one under the provisions of the thirty-second chapter of the General Statutes, is hereby dissolved ; but such corporation shall nevertheless be continued as a body corporate for the term of three years after the passage of this act for the purposes named in section forty-one of chapter one hundred and five of the Public Statutes.

SECTION 2. This act shall take effect upon its passage.

*Approved March 16, 1885.*

AN ACT TO PROVIDE FOR THE DISPOSITION OF THE PROPERTY OF THE CORPORATION KNOWN AS THE MISSION PARK ASSOCIATION. *Chap. 81*

*Be it enacted, etc., as follows :*

SECTION 1. The next annual meeting of the Mission Park Association, incorporated and organized by and under chapter five of the acts of the year eighteen hundred and fifty-seven, entitled “ An Act to incorporate the Mission Park Association,” shall be held in the chapel of Williams College at Williamstown at ten o'clock in the forenoon of the day next preceding the next annual commencement of Williams College. Said meeting shall be notified by a call signed by Mark Hopkins or by Franklin Carter or by any justice of the peace and published at least twice in some daily newspaper published in each of the cities of Boston and New York, the last publication to be at least three weeks prior to the day of said meeting. Said meeting shall be called to order by Mark Hopkins, or by any justice of the peace.

The next meeting to be in chapel of Williams College on day next preceding next annual commencement.

SECTION 2. The said Mission Park Association may constitute and authorize an agent to convey to the president and trustees of Williams College the real estate conveyed to the said Mission Park Association by Charles Stoddard on the nineteenth day of September in the year eighteen hundred and fifty-nine, to be held by the said president and trustees in trust for the purposes mentioned in said act of incorporation, and upon the completion and acceptance of such conveyance the said president and trustees of Williams College shall succeed to the powers and privileges conferred and be subject to the liabilities and restrictions imposed by said act upon the said Mission Park Association.

Association may convey to college in trust the estate formerly held by Charles Stoddard.

SECTION 3. This act shall take effect upon its passage.

*Approved March 16, 1885.*

AN ACT TO SUPPLY THE TOWN OF NORWOOD WITH WATER.

*Chap. 82*

*Be it enacted, etc., as follows :*

SECTION 1. The town of Norwood may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; may establish fountains and hydrants, re-locate or discontinue the same, may regulate the use of such water, and fix and collect rates to be paid for the use of the same.

Water supply for Norwood.

May take waters of Buckmaster Pond and of Foundry or Colburn's Brook.

SECTION 2. The said town for the purposes aforesaid may take, by purchase or otherwise, and hold the waters of Buckmaster Pond and of Foundry or Colburn's Brook, in the town of Dedham, and the waters which flow into and from the same, together with any water rights connected therewith, and also all lands, rights of way and easements, necessary for holding and preserving such water, and for conveying the same to any part of said town of Norwood, and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads or public or private ways, and along any such way, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said town may dig up any such lands, and under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways, in such manner as to cause the least hindrance to public travel on such ways.

May erect dams and other structures.

May lay down pipes and conduits.

Description of land, etc., taken, to be recorded in registry of deeds within sixty days.

SECTION 3. The said town shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county within which such lands or other property are situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

Liability for damages.

SECTION 4. The said town shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said town under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any

time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

Application not to be made for damages until water is actually diverted.

SECTION 5. The said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip, to an amount not exceeding in the aggregate seventy-five thousand dollars; such bonds, notes and scrip shall bear on their face the words "Norwood Water Loan;" shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually, at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town, and be countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said town shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

Norwood Water Loan not to exceed \$75,000.

May sell securities or pledge the same for money borrowed.

Sinking fund to be established.

SECTION 6. The said town instead of establishing a sinking fund may, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed, the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter, until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

May pay loan in annual proportionate payments.

SECTION 7. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act,

Return to state amount of sinking fund, etc.

and if none is established whether action has been taken in accordance with the provisions of the preceding section, and the amounts raised and applied thereunder for the current year.

Town to raise annually sufficient to pay current expenses and interest.

SECTION 8. The said town shall raise annually by taxation a sum which, with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works, and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

May contract with Dedham Water Company for a supply of water.

SECTION 9. The said town may contract with the Dedham Water Company for a supply of water necessary for the purposes of this act, on such terms as may be agreed upon between said town and said corporation; and said Dedham Water Company is authorized to contract for and furnish, from its water supply, water to said town, and to make the necessary connections of its conduits or pipes with the conduits or pipes of the said town: *provided*, that nothing herein contained shall be construed to compel the said corporation to make such connections or to furnish said water.

Penalty for diverting or corrupting water.

SECTION 10. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Water commissioners to be elected.

SECTION 11. The said town shall, after its acceptance of this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter, one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town by this act, and not otherwise specifically provided for, shall be vested in said board of

Powers and duties of commissioners.

water commissioners, who shall be subject, however, to such instructions, rules and regulations as said town may impose by its vote; the said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

Vacancies in board.

SECTION 12. This act shall take effect upon its acceptance by a two-thirds vote of the voters of said town, present and voting thereon at a legal town meeting called for the purpose, within three years from its passage; but the number of meetings so called in any year shall not exceed three.

Subject to acceptance by a two-thirds vote of the town.

*Approved March 18, 1885.*

AN ACT RELATING TO THE SIGNING AND RECORDING OF LICENSES FOR THE SALE OF INTOXICATING LIQUORS IN THE CITY OF BOSTON.

*Chap. 83*

*Be it enacted, etc., as follows:*

SECTION 1. The police commissioners, instead of the mayor and city clerk of the city of Boston, shall exercise the powers and perform the duties given to and imposed upon said mayor and city clerk by section five of chapter one hundred of the Public Statutes relating to the signing of licenses for the sale of intoxicating liquors; and said licenses together with all licenses as hotel keepers or common victuallers shall be recorded in the office of the said commissioners instead of the office of said city clerk.

Police commissioners to sign and cause liquor licenses to be recorded.

SECTION 2. This act shall take effect upon its passage.

*Approved March 19, 1885.*

AN ACT TO INCORPORATE THE PEOPLES SAVINGS BANK IN HOLYOKE.

*Chap. 84*

*Be it enacted, etc., as follows:*

SECTION 1. Anderson Allyn, Moses Newton, James E. Delaney, Frederick Taylor, James Ramage, John E. Clark, John Tilley, their associates and successors, are hereby made a corporation by the name of the Peoples Savings Bank, to be located in the city of Holyoke, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in all general laws which now are or may hereafter be in force, applicable to institutions for savings.

Peoples Savings Bank incorporated.

SECTION 2. This act shall take effect upon its passage.

*Approved March 19, 1885.*

*Chap. 85* AN ACT RELATING TO INTERLOCKING OR AUTOMATIC SIGNALS AT RAILROAD CROSSINGS.

*Be it enacted, etc., as follows:*

Commissioners may allow system of interlocking or automatic signals at railroad crossings at grade.

SECTION 1. The board of railroad commissioners may, on the application of any railroad corporation whose road crosses another railroad at the same level, after due notice and hearing of the parties, authorize the applicant to establish and maintain a system of interlocking or automatic signals, at any crossing of said roads, at its own expense, and erect and maintain the necessary wires, rods, signal posts and signals, in such manner as the board shall prescribe. And when such system is established, and has obtained the written approval of said board, the corporation establishing the same, and its railroad, shall be excepted, as to that crossing, from the provisions of section one hundred and sixty-one of chapter one hundred and twelve of the Public Statutes, so long as the railroad commissioners shall continue their approval.

Expense of establishing signals.

SECTION 2. Whenever, after the establishment and approval of such system of signals, the party owning or operating said other railroad at such crossing shall have paid to the corporation by which said signals were established such part of the cost of establishing the same as shall, after hearing on petition of the party owning or operating said other railroad, be awarded by the board of railroad commissioners, both railroads shall be excepted, as to that crossing, as provided in section one, from the provisions of section one hundred and sixty-one of chapter one hundred and twelve of the Public Statutes.

Expense of operating signals.

Until such payment said other railroad corporation shall contribute toward the expense of operating said signals, in semi-annual payments, a sum equal to the cost to it of operating the signals used by it at said crossing before the establishment of the signals herein provided for. After payment of the award aforesaid the expense of maintaining and operating the same shall be borne by the two railroad corporations according to the proportions fixed by the award for paying the original cost of the signals.

Revisal of award after an interval of five years.

And said award, so far as it relates to the cost of maintaining and operating said signals, may, at the request of either party, be revised after an interval of five years from the original award or from the award next preceding such request.

*Approved March 19, 1885.*

AN ACT TO PROVIDE A PLACE FOR TEMPORARY DETENTION AND  
REMOVAL THERETO OF A PART OF THE INMATES OF THE LYMAN  
SCHOOL FOR BOYS. *Chap. 86*

*Be it enacted, etc., as follows:*

SECTION 1. The trustees of the state primary and reform schools, with the approval of the governor and council, are hereby authorized to lease and prepare the land and buildings in the north-westerly part of the town of Westborough, known as Willow Park, for the temporary detention and accommodation of such of the present inmates of the Lyman school for boys, and of such boys hereafter committed to said school, as cannot be provided for in the buildings now belonging to said school in Westborough; and when the said lands and buildings shall have been leased and prepared as above provided, the governor may order the removal thereto of such inmates of the Lyman school for boys as said trustees may designate, and shall declare said lands and buildings to be, until otherwise ordered, a part of the Lyman school for boys, and from the issuance of said order and until accommodations shall be provided elsewhere, all laws relating to said school shall be in force in relation to that part of school established in the buildings aforesaid, and the inmates removed thereto, as above provided, shall be there held according to their original and respective sentences to said school.

Willow Park may be leased for temporary detention of inmates of Lyman school for boys.

SECTION 2. This act shall take effect upon its passage.

*Approved March 20, 1885.*

AN ACT TO ESTABLISH THE SALARY OF THE FIRST CLERK IN THE  
OFFICE OF THE SECRETARY OF THE COMMONWEALTH. *Chap. 87*

*Be it enacted, etc., as follows:*

SECTION 1. The salary of the first clerk in the office of the secretary of the Commonwealth, beginning with the first day of January eighteen hundred and eighty-five, shall be two thousand dollars per annum, and at the same rate for any portion of a year.

Salary established.

SECTION 2. This act shall take effect upon its passage.

*Approved March 20, 1885.*

*Chap. 88* AN ACT TO CHANGE THE NAME OF THE BOARD OF TRUSTEES OF THE PERKINS STREET METHODIST EPISCOPAL CHURCH OF CHICOPEE.

*Be it enacted, etc., as follows :*

Name changed.

SECTION 1. The name of the board of trustees of the Perkins Street Methodist Episcopal Church of Chicopee, a religious society incorporated under the general laws of the Commonwealth in the year eighteen hundred and seventy-four is changed to The Trustees of the Central Methodist Episcopal Church of Chicopee.

SECTION 2. This act shall take effect upon its passage.

*Approved March 20, 1885.*

*Chap. 89* AN ACT TO INCORPORATE THE WALTHAM HOSPITAL.

*Be it enacted, etc., as follows :*

The Waltham Hospital incorporated.

Frederick M. Stone, Alfred M. Goodall, Timothy Leary, Rufus Warren, Charles Dix, their associates and successors, are hereby made a corporation by the name of The Waltham Hospital, for the purpose of establishing and maintaining a hospital in the city of Waltham for the care and treatment of sick and disabled persons ; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or may hereafter be in force relating to such corporations ; and for the purposes aforesaid said corporation may hold real and personal property not exceeding one hundred thousand dollars in value.

*Approved March 20, 1885.*

*Chap. 90* AN ACT TO PROHIBIT THE SALE OF SPIRITUOUS OR INTOXICATING LIQUORS BETWEEN THE HOURS OF ELEVEN AT NIGHT AND SIX IN THE MORNING.

*Be it enacted, etc., as follows :*

Intoxicating liquor not to be sold between hours of eleven at night and six in the morning, except, etc.

SECTION 1. The second condition of section nine of chapter one hundred of the Public Statutes is amended by striking out the word "twelve" in the second line of said condition, and inserting in place thereof the word "eleven," so that said second condition shall read as follows : —

Second, That no sale of spirituous or intoxicating liquor shall be made between the hours of eleven at night and

six in the morning; nor during the Lord's day, except that if the licensee is also licensed as an innholder he may supply such liquor to guests who have resorted to his house for food or lodging.

To take effect  
May 1, 1885.

SECTION 2. This act shall take effect on the first day of May in the year eighteen hundred and eighty-five.

*Approved March 20, 1885.*

AN ACT RELATING TO PROCEEDINGS BEFORE COUNTY COMMISSIONERS  
AT OTHER TIMES THAN AT REGULAR MEETINGS. Chap. 91

*Be it enacted, etc., as follows:*

SECTION 1. Section twenty-six of chapter twenty-two of the Public Statutes is amended so as to read as follows:—The commissioners severally, excepting special commissioners, may at other times than at regular meetings receive petitions relating to railroads or to matters in which the county has no interest, and may take recognizances thereon, and on such petitions and on similar petitions entered at a regular meeting and pending before them the commissioners or the chairman of the board may at other times than at regular meetings appoint times for hearing the parties and acting thereon, and may direct proper notices to be given to persons interested.

May, severally,  
receive certain  
petitions, etc.

Hearings at  
other times than  
at regular meet-  
ings.

SECTION 2. This act shall take effect upon its passage.

*Approved March 24, 1885.*

AN ACT AUTHORIZING THE USE OF COPIES OF THE RECORDS, BOOKS  
AND ACCOUNTS OF SAVINGS BANKS IN EVIDENCE. Chap. 92

*Be it enacted, etc., as follows:*

Copies from the records, books and accounts of a savings bank and institution for savings, incorporated under the laws of this Commonwealth, shall be competent evidence in all cases equally with the originals thereof, if there is annexed to such copies an affidavit taken before a clerk of a court of record, or notary public, under the seal of such court or notary public, setting forth that the affiant is the officer having charge of the original records, books and accounts and that such copy is true and correct and is full so far as it relates to the subject matter therein referred to.

Copies from  
records, etc.,  
sworn to before  
a notary, etc., to  
be competent  
evidence.

*Approved March 24, 1885.*

**Chap. 93** AN ACT TO EXTEND THE CHARTER OF THE REAL ESTATE AND BUILDING COMPANY.

*Be it enacted, etc., as follows:*

Charter extended.

The Real Estate and Building Company, incorporated by chapter twenty-two of the acts of eighteen hundred and sixty-one, the charter of which was extended by chapter forty-three of the acts of eighteen hundred and eighty, shall be and remain a corporation for a further term of ten years after the expiration of its present charter, and shall, during said further term, have the powers and privileges, and be subject to the duties, liabilities and restrictions, set forth in its charter and in all general laws which are or may be in force relating to such corporations, except that nothing herein contained shall be so construed as to grant said corporation authority to purchase additional land.

*Approved March 24, 1885.*

Powers and duties.

**Chap. 94** AN ACT RELATIVE TO THE EMPLOYMENT OF PRISONERS IN THE REFORMATORY PRISON FOR WOMEN, AND TO THE ESCAPE OF PRISONERS FROM SAID PRISON OR LAND APPURTENANT THERETO.

*Be it enacted, etc., as follows:*

Employment of prisoners.

SECTION 1. The superintendent of the Reformatory Prison for Women may employ upon the lands appurtenant to said prison, or in any building situated upon said land, any prisoner held in said prison.

Penalty for escape.

SECTION 2. Whoever, being held in said prison, escapes or attempts to escape therefrom, or being taken from said prison for any purpose escapes or attempts to escape from the land appurtenant to said prison, shall be punished by imprisonment in said prison or in the house of correction within the county of Middlesex not exceeding two years.

Jurisdiction.

SECTION 3. The first district court of Southern Middlesex shall have jurisdiction concurrent with the superior court of offences arising under this act.

SECTION 4. This act shall take effect upon its passage.

*Approved March 24, 1885.*

**Chap. 95** AN ACT TO SUPPLY THE TOWN OF CANTON WITH WATER.

*Be it enacted, etc., as follows:*

Water supply for Canton.

SECTION 1. The town of Canton may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; may establish fount-

ains and hydrants, re-locate or discontinue the same, may regulate the use of such water, and fix and collect rates to be paid for the use of the same.

SECTION 2. The said town for the purposes aforesaid may take, by purchase or otherwise, and hold the waters of Beaver Hole Meadow Brook, at any point in its course within the towns of Sharon or Canton, and of Knowles' Brook, so called, being one of the tributaries of the east branch of the Neponset River, at any point in its course within the towns of Stoughton or Canton, together with any water rights connected therewith, and also all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town of Canton, and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works, and may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads or public or private ways, and along any such way, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said town may dig up any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways, in such manner as to cause the least hindrance to public travel on such ways.

Town may take waters of Beaver Hole Meadow Brook.

May erect dams and other structures.

May dig up lands.

SECTION 3. The said town shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded, in the registry of deeds for the county within which such lands or other property are situated, a description thereof, sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

A description of lands, etc., taken to be filed and recorded in registry of deeds.

SECTION 4. The said town shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by

Damages to be paid by the town.

said town under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

Application for damages not to be made until water is actually diverted.

Canton Water Loan.

SECTION 5. The said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate one hundred and fifty thousand dollars; such bonds, notes and scrip shall bear on their face the words "Canton Water Loan;" shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually, at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town and be countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said town shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

Sinking fund to be established.

May provide for annual proportionate payments instead of establishing sinking fund.

SECTION 6. The said town instead of establishing a sinking fund may, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall, without further vote, be assessed by the assessors of said town in each

year thereafter, until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

SECTION 7. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whether action has been taken in accordance with the provisions of the preceding section, and the amounts raised and applied thereunder for the current year.

Return to be made of amount of sinking fund, etc., established.

SECTION 8. The said town shall raise annually by taxation a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works, and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Payment of annual expenses and interest.

SECTION 9. The said town may purchase from the owner of any aqueduct or water pipes now used in furnishing water to the inhabitants of said town all the estate, property, rights and privileges of such owner, and by such purchase shall become subject to all the liabilities and duties to such owner appertaining.

May purchase any existing aqueduct.

SECTION 10. The said town is authorized to contract for and furnish, from its water supply, to the town of Sharon a supply of water for the use of the town of Sharon and its inhabitants, for the extinguishment of fires and for domestic and other purposes, on such terms as may be agreed upon between said towns, and to make the necessary connections of its conduits or pipes with the conduits or pipes of the town of Sharon: *provided*, that nothing herein contained shall be construed to compel the town of Canton to make such connections, or to furnish said water.

May supply town of Sharon with water.

SECTION 11. The said town may, at a legal town meeting called for that purpose, by a vote of said town, declare the quantity of water it proposes to take daily, and from what source, and the quantity of water so declared shall be held to be the measure and limit of the right of said town to take or divert the waters of such source, under this act.

Declaration of quantity of water to be taken.

Penalty for polluting water or injuring property.

SECTION 12. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Board of water commissioners to be elected.

SECTION 13. The said town shall, after its acceptance of this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town by this act, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as said town may impose by its vote; the said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

Vacancies in board.

Subject to acceptance by a two-thirds vote.

SECTION 14. This act shall take effect upon its acceptance by a two-thirds vote of the voters of said town, present and voting thereon at a legal town meeting called for the purpose, within three years from its passage; but the number of meetings so called in any year shall not exceed three.

*Approved March 24, 1885.*

## Chap. 96

AN ACT TO CONFIRM THE PROCEEDINGS OF CERTAIN TOWN MEETINGS HELD IN THE YEAR EIGHTEEN HUNDRED AND EIGHTY-FIVE.

*Be it enacted, etc., as follows:*

Proceedings confirmed.

SECTION 1. The town meetings for election of town officers held during the month of February in the year eighteen hundred and eighty-five in the towns of Prov-

incetown, Truro, Wellfleet, Orleans, Chatham, Harwich, Dennis and Yarmouth shall not be held invalid by reason of defects in the warrants calling said meetings, or of irregularities in the proceedings thereat; and the elections of town officers at said meetings are ratified and confirmed.

SECTION 2. This act shall take effect upon its passage.

*Approved March 24, 1885.*

AN ACT TO INCORPORATE THE NEMASKET HILL CEMETERY ASSOCIATION IN MIDDLEBOROUGH.

*Chap. 97*

*Be it enacted, etc., as follows:*

SECTION 1. Joseph E. Beals, Francis M. Vaughan, Warren H. Southworth, William B. Wood, Joseph T. Wood, William R. Peirce, George F. Bryant, George R. Sampson, Ellis Weston, John J. Perkins and Cornelius B. Wood, their associates and successors, are hereby made a corporation by the name of the Nemasket Hill Cemetery Association, for the purpose of acquiring, holding, managing and perpetuating a place for the burial of the dead in the town of Middleborough, with all the powers and privileges and subject to all the duties, restrictions and liabilities contained in general laws which now are or hereafter may be in force relating to similar corporations, except as otherwise herein provided.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. The said corporation may take and hold the real estate known as the "old burying hill," as now bounded and enclosed, situate on the easterly side of Nemasket River, in said Middleborough, and within the territory known as the "twenty-six men's purchase."

May take and hold the old burying hill.

SECTION 3. Any person who shall become proprietor of a lot in any lands acquired by said corporation, and any person who now is or may become a proprietor of a lot, whether by deed or otherwise, in the real estate mentioned in section two of this act, at such time as the same is taken by said corporation, shall be and become members of said corporation, upon applying to the trustees hereinafter mentioned, and receiving from the corporation a deed or certificate of ownership of such lot. And whenever any person shall cease to be the proprietor of a lot in the lands of said corporation he shall cease to be a member thereof.

Proprietors of lots to be members of the corporation.

SECTION 4. The officers of said corporation shall consist of five trustees, a clerk, a treasurer, and such other

Officers of the corporation.

Treasurer to  
give bond.

officers as may be provided for by the by-laws. Such officers shall hold their offices for the term of one year, or until others shall be chosen and qualified in their stead, unless otherwise provided in the by-laws. The treasurer shall give bond for the faithful discharge of his duties in such sum and with such sureties as shall be required by the by-laws.

Liability for  
damages.

SECTION 5. The said cemetery association shall pay all damages sustained by any person or corporation in property by the taking of any land or other property or by any other thing done by said association under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said association as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of one year from the taking of such land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said one year.

SECTION 6. This act shall take effect upon its passage.

*Approved March 24, 1885.*

*Chap. 98* AN ACT CONCERNING THE PREPARATION, STORAGE AND SALE OF UNSAFE OILS MADE FROM COAL OR PETROLEUM TO BE USED FOR FUEL.

*Be it enacted, etc., as follows:*

Mixture of  
naphtha and oils  
to be used for  
fuel, regulated.

SECTION 1. No person shall mix for sale naphtha and oils to be used for fuel in dwellings or other buildings where human life is endangered or exposed, or shall sell or offer for sale such mixture, or shall sell or offer for sale, except for purposes of re-manufacture, fuel oils made from coal or petroleum which will evaporate a gas under one hundred degrees Fahrenheit, or ignite at a temperature of less than one hundred and ten degrees Fahrenheit, to be ascertained by the application of Tagliabue's or some other approved instrument; and any person so doing shall for each offence be punished by fine not exceeding one hundred dollars or imprisonment in the jail or house of correction not exceeding one month, or by both, in the discretion of the court; and shall also be liable for any damage suffered by any person from the explosion or ignition of such oil thus unlawfully sold, or

Penalty, liability for damage,  
and forfeiture.

kept or offered for sale ; and such oil thus unlawfully sold or kept or offered for sale, and the casks or packages containing the same, shall be forfeited and sold ; one-half of the proceeds of such sale to go to the Commonwealth and the other half to the informer.

SECTION 2. For the purposes of this act fuel oils made from coal and petroleum and having an igniting point of less than one hundred and ten degrees Fahrenheit, to be determined in the manner provided in the preceding section, shall be deemed to be mixed with naphtha, and shall be branded unsafe for use as fuel.

Mixture of fuel oils made from coal and petroleum.

*Approved March 25, 1885.*

AN ACT TO AUTHORIZE THE TOWN OF CONCORD TO RAISE MONEY FOR THE CELEBRATION OF THE TWO HUNDRED AND FIFTIETH ANNIVERSARY OF THE INCORPORATION OF THE TOWN.

*Chap. 99*

*Be it enacted, etc., as follows :*

SECTION 1. The town of Concord is authorized to raise by taxation a sum of money not exceeding one-tenth of one per cent. of the assessed valuation of said town in the year one thousand eight hundred and eighty-four, for the purpose of celebrating the two hundred and fiftieth anniversary of the incorporation of said town, and erecting tablets or monuments to mark places and objects of historic interest therein.

Town may raise money for celebrating anniversary.

SECTION 2. This act shall take effect upon its passage.

*Approved March 25, 1885.*

AN ACT TO INCORPORATE THE HILL WATER COMPANY.

*Chap. 100*

*Be it enacted, etc., as follows :*

SECTION 1. John B. Hull, Franklin A. Palmer, William Pitt Palmer and their associates and successors, are hereby made a corporation by the name of the Hill Water Company, for the purpose of furnishing the inhabitants of that part of the town of Stockbridge, known as "The Hill," with water for the extinguishment of fires, and for domestic and other purposes ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

Hill Water Company may supply inhabitants of Stockbridge with water.

SECTION 2. The said corporation, for the purposes aforesaid, may take and hold by purchase or otherwise the water of any springs or streams, or any other water

May take water of springs, etc., on the westerly side of Rattlesnake mountain.

May take land  
and erect structures  
thereon.

May dig up  
lands, etc.

A description of  
the land, etc.,  
taken, to be re-  
corded in regis-  
try of deeds.

Damages to be  
paid by the cor-  
poration.

sources, on the westerly side of Rattlesnake mountain in said town of Stockbridge, and the water rights connected with any such water sources, and also all lands, rights of way and easements, necessary for holding and preserving such water, and for conveying the same to any part of said town, and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads, or public or private ways, and along any such ways, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands, and under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

SECTION 3. The said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded, in the registry of deeds for the county and district within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

SECTION 4. The said corporation shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but

no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

Application for damages not to be made until water is actually diverted.

SECTION 5. The said corporation may distribute the water through that part of said town of Stockbridge known as "The Hill;" may regulate the use of said water, and fix and collect rates to be paid for the use of the same; and may make such contracts with the said town, or with any fire district that is or may hereafter be established therein, or with any individual or corporation, to supply water for the extinguishing of fire or for other purposes, as may be agreed upon by said town, or such fire district, individual or corporation, and said corporation.

May regulate use of water, and fix and collect water rates.

SECTION 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount five thousand dollars; and the whole capital stock of said corporation shall not exceed ten thousand dollars, to be divided into shares of one hundred dollars each.

Real estate, capital stock and shares.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Penalty for polluting water or injuring property.

SECTION 8. The said corporation may purchase from the owner of any aqueduct or water pipes now used in furnishing water to the inhabitants of said town all the estate, property, rights and privileges of such owner, and by such purchase shall become subject to all the liabilities and duties to such owner appertaining.

May purchase any existing aqueduct.

SECTION 9. The said corporation may issue bonds, and secure the same by a mortgage on its franchise and other property, to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

May issue bonds.

Town of Stockbridge may purchase franchise and property at any time.

SECTION 10. The said town of Stockbridge shall have the right, at any time during the continuance of the charter hereby granted, to purchase the franchise, corporate property and all the rights and privileges of said corporation at a price which may be mutually agreed upon between said corporation and the said town; and the said corporation is authorized to make sale of the same to said town. In case said corporation and said town are unable to agree, then the compensation to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court, upon application of either party and notice to the other, whose award when accepted by said court shall be binding upon all parties. This authority to purchase said franchise and property is granted on condition that the same is assented to by said town by a two-thirds vote of the voters present and voting thereon at a meeting called for that purpose.

Security for payment of damages may be required.

SECTION 11. The county commissioners for the county within which any land, water or water rights taken under this act is situated, shall, upon application of the owner thereof, require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but previous to requiring such security the county commissioners shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking, and the county commissioners shall in like manner require further security, if at any time the security before required appears to them to have become insufficient; and all the right or authority of said corporation to enter upon or use such land or other property, except for making surveys, shall be suspended until it gives the security so required.

SECTION 12. This act shall take effect upon its passage.

*Approved March 25, 1885.*

*Chap.*101 AN ACT TO AUTHORIZE THE TOWNS OF BROOKFIELD, NORTH BROOKFIELD AND WEST BROOKFIELD TO RAISE MONEY FOR THE PURPOSE OF PUBLISHING A HISTORY OF SAID TOWNS.

*Be it enacted, etc., as follows:*

May raise money for publishing town histories.

SECTION 1. The towns of Brookfield, North Brookfield and West Brookfield, or any two of said towns, are authorized to raise such sums of money as they may deem neces-

sary, and appropriate the same, for the purpose of procuring the writing and publishing a history of said towns.

SECTION 2. This act shall take effect upon its passage.

*Approved March 25, 1885.*

AN ACT MAKING APPROPRIATIONS FOR DEFICIENCIES IN APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED IN THE YEAR EIGHTEEN HUNDRED AND EIGHTY-FOUR AND PREVIOUS YEARS.

*Chap.102*

*Be it enacted, etc., as follows :*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the payment of certain expenses, in excess of appropriations therefor, in the year eighteen hundred and eighty-four and previous years, to wit :—

Appropriations.

For printing and binding ordered by the house of representatives, seven hundred and eighteen dollars and twenty cents.

Printing and binding.

For expenses of the board of railroad commissioners, six hundred and twenty-five dollars.

Railroad commissioners.

For incidental expenses in the department of the secretary of the Commonwealth, four hundred and fifty-four dollars and nine cents, which sum shall be paid from the appropriation for incidental expenses of said department authorized for the present year.

Secretary of Commonwealth.

For the completion of the dwelling-houses at the prison at Concord, authorized by chapters forty-three and sixty of the resolves of the year eighteen hundred and eighty-three, seven hundred and thirteen dollars and sixty cents.

Dwelling-houses at prison at Concord.

For expenses at the state industrial school for girls, five hundred and fifty-seven dollars and seventy-six cents.

Industrial school for girls.

For repairs on the state prison buildings at Charlestown, nine thousand seven hundred and seventy-six dollars and fifty-eight cents.

State prison buildings at Charlestown.

SECTION 2. This act shall take effect upon its passage.

*Approved March 25, 1885.*

AN ACT MAKING APPROPRIATIONS FOR COMPENSATION AND EXPENSES OF THE BOARD OF CIVIL SERVICE COMMISSIONERS.

*Chap.103*

*Be it enacted, etc., as follows :*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to wit :—

Appropriations.

Civil service  
commissioners.

For compensation of the board of civil service commissioners, a sum not exceeding two thousand five hundred dollars; and for clerical assistance to said commissioners, a sum not exceeding one thousand dollars.

Civil service  
examinations.

For expenses of civil service examinations, a sum not exceeding one thousand dollars; for printing, advertising and stationery for said commissioners, a sum not exceeding one thousand dollars; and for travelling and incidental expenses for the chief examiner and commissioners, a sum not exceeding eight hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved March 25, 1885.*

**Chap.104** AN ACT TO EXTEND THE TIME FOR CONSTRUCTING THE LANCASTER RAILROAD.

*Be it enacted, etc., as follows:*

Time for con-  
struction ex-  
tended.

SECTION 1. The time for constructing the Lancaster Railroad is hereby extended to the thirtieth day of March in the year eighteen hundred and eighty-nine: *provided*, that nothing herein or in chapter one hundred and fifty of the acts of the year eighteen hundred and eighty-one shall be construed as giving any authority to said Lancaster Railroad Company to require the Central Massachusetts Railroad Company to change its line or grade in the town of Hudson, or as affecting any rights of said Central Massachusetts Railroad Company already acquired under any location made pursuant to law.

SECTION 2. This act shall take effect upon its passage.

*Approved March 25, 1885.*

**Chap.105** AN ACT TO INCORPORATE THE BARRE LIBRARY ASSOCIATION.

*Be it enacted, etc., as follows:*

Barre Library  
Association in-  
corporated.

SECTION 1. Charles Brimblecom, George Brown, James W. Jenkins, Charles G. Allen, Clarence B. Roote, Sylvester Bothwell, James F. Davis, Harding Woods, Lucius F. Billings, George N. Harwood, Thomas P. Root, Matthew Walker, Austin F. Adams, George F. Rice, John L. Smith, Austin G. Wheelock and J. Henry Goddard, their associates and successors, are hereby made a corporation by the name of the Barre Library Association, for the purpose of procuring by purchase or otherwise lands and buildings for the accommodation of the public library of the town of Barre, and a reading room in connection

therewith, and for other kindred uses; of aiding in the maintenance and increase of said library, and the establishment and maintenance of a reading room; of providing and supporting courses of lectures on scientific, historical, literary and other subjects; of forming and maintaining a museum containing specimens in natural history, works of art, antiquities and other objects of interest; and for the purpose of collecting the annals of said town and the genealogies of its inhabitants; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to corporations organized for any of the purposes such as are above mentioned.

Powers and duties.

SECTION 2. Said corporation may hold real estate and personal property to the amount of fifty thousand dollars, exclusive of books, papers, works of art and other collections in its museum, and may receive and hold for the purposes aforesaid any grants, donations or bequests, under such lawful conditions and rules as may be prescribed therein; and all real estate which shall be procured by said corporation for the use and accommodation of the public library of said town of Barre, after it shall have been prepared and fitted for the reception of said library, may continue to be held by said corporation and appropriated to said use or shall be conveyed to said town, as said town at a legal meeting called for the purpose shall by vote determine: *provided, however*, that said corporation shall not be authorized hereby to receive any money or other property for the purpose of procuring any real estate for the use and accommodation of the public library of said town of Barre until so much of this act as relates thereto shall have been approved by vote of said town.

Real and personal estate, \$50,000, exclusive of books, etc.

Proviso.

SECTION 3. The said corporation shall not be required to have a capital stock.

Capital stock not required.

SECTION 4. This act shall take effect upon its passage.

*Approved March 25, 1885.*

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AN ACT TO REQUIRE ASSESSORS TO ENUMERATE AND RETURN THE NUMBER OF NEAT CATTLE AND SWINE ASSESSED.

*Chap. 106*

*Be it enacted, etc., as follows:*

SECTION 1. Section fifty-four of chapter eleven of the Public Statutes is hereby amended by inserting at the end of the fourteenth clause of said section the following additional clauses:—

Return of neat cattle and swine assessed.

Fifteenth, The total number of neat cattle, other than cows, assessed.

Sixteenth, The total number of swine assessed.

Amendment.

SECTION 2. The clauses of said section now numbered "fifteenth" and "sixteenth," shall hereafter be numbered seventeenth and eighteenth, respectively.

SECTION 3. This act shall take effect upon its passage.

*Approved March 27, 1885.*

**Chap.107** AN ACT RELATING TO THE MAKING AND TRANSMITTING OF CERTIFICATES OF ELECTION OF REPRESENTATIVES.

*Be it enacted, etc., as follows :*

Certificate to be transmitted to secretary within fifteen days after election,  
P. S. 8, § 13.

SECTION 1. Section thirteen of chapter eight of the Public Statutes is hereby amended so as to read as follows :— When it is ascertained who is elected representative in a district composed of one town or city, or one or more wards of a city, the selectmen, or mayor and aldermen, shall make out duplicate certificates thereof, and shall transmit them within fifteen days after the day of election, one to the office of the secretary of the Commonwealth and the other by a constable or other authorized officer to the person elected.

Amendment to  
P. S. 8, § 14.

SECTION 2. Section fourteen of said chapter is hereby amended so as to read as follows :— When the clerks of cities, towns and precincts composing a district, at their meeting for the purpose, ascertain that a representative is elected in their district, they or a majority of them shall make out duplicate certificates thereof, and shall transmit them within fifteen days after the day of election, one to the office of the secretary of the Commonwealth and the other by a constable or other authorized officer to the person elected. *Approved March 27, 1885.*

**Chap.108** AN ACT CONCERNING THE CORRECTION OF ERRORS IN COPIES OF RECORDS OF VOTES.

*Be it enacted, etc., as follows :*

Correction of errors in copies of records of votes.

Section one of chapter twenty-eight of the acts of the year eighteen hundred and eighty-two is hereby amended by striking out after the words "as required by," in the second line, the words "the forty-fifth section of the seventh chapter of the Public Statutes," and inserting instead thereof the word "law," so as to read as follows :— If upon examination of the copies of the records

of votes as required by law it shall appear to the governor and council that any such copy is incomplete or erroneous, they may order a new copy of the record to be made and transmitted in the manner provided for making and transmitting the original return. Said new copy shall be returned by the clerk of the city or town within seven days after the date of the order requiring the same to be made; and if adjudged to be correct and in conformity to the requirements of law shall thereupon have the same force and effect as an original return correctly made and transmitted.

Return to be made within seven days.

*Approved March 27, 1885.*

AN ACT RELATING TO THE LEASING OF GREAT PONDS.

*Chap. 109*

*Be it enacted, etc., as follows:*

SECTION 1. So much of chapter ninety-one of the Public Statutes, relating to inland fisheries, as authorizes the commissioners on inland fisheries to lease great ponds, is hereby repealed.

Repeal, P. S. 91.

SECTION 2. This act shall take effect upon its passage.

*Approved March 27, 1885.*

AN ACT TO PROTECT TRAVELLERS AT GRADE CROSSINGS OF HIGHWAYS AND RAILROADS.

*Chap. 110*

*Be it enacted, etc., as follows:*

SECTION 1. Upon complaint and application made to the board of railroad commissioners, according to the provisions of section seventeen of chapter one hundred and twelve of the Public Statutes, stating that any level crossing of a railroad with a highway, townway or street is improperly occupied by a railroad company with its freight engines, freight cars or freight trains to the unreasonable inconvenience or danger of the public, said board shall, after due notice, hear the parties; and if it appears that the allegations of the complaint are true, may, if public convenience or safety require, order that after a date fixed by said board such railroad company shall not use or occupy such crossing or any part thereof for making up or disconnecting freight trains, or for connecting or disconnecting the engines or cars of such trains, or for the purpose of distributing freight or freight cars; and may prescribe and direct such changes to be made in the construction of side tracks, branches and connections, in proximity to such crossings, as will prevent

Obstruction of highways by freight cars, etc., at grade crossings, subject to regulations prescribed by the railroad commissioners.

the use of such crossings in the manner aforesaid, in connection with such side tracks, branches or connections; or may prescribe such regulations limiting the use of such crossings for such purposes as may appear to be necessary, and may at any time modify its order after a hearing and for cause shown.

Orders may be enforced by process in equity.

SECTION 2. The supreme judicial court, on application of the attorney-general, may by suitable process in equity compel railroad corporations to comply with any order made under the provisions of this act.

*Approved March 27, 1885.*

### Chap.111

AN ACT TO AUTHORIZE SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS TO MAKE ADDITIONAL INVESTMENTS.

*Be it enacted, etc., as follows:*

Investments by savings banks.

SECTION 1. Savings banks and institutions for savings may, in addition to the securities mentioned in section twenty of chapter one hundred and sixteen of the Public Statutes, invest their deposits, and the income derived therefrom, in the bonds and notes of incorporated districts in this Commonwealth whose net indebtedness does not exceed five per cent. of the last preceding valuation of the property therein for the assessment of taxes.

SECTION 2. This act shall take effect upon its passage.

*Approved March 27, 1885.*

### Chap.112

AN ACT TO INCORPORATE THE SOUTH ABINGTON SHOE FACTORY COMPANY.

*Be it enacted, etc., as follows:*

Corporators.

SECTION 1. William H. Dunbar, Hosea F. Whidden, Henry Hobart, David B. Gurney, William L. Reed, Randall W. Cook, Edward Y. Perry and Charles H. Edson, their associates and successors, are made a corporation by the name of the South Abington Shoe Factory Company, for the purpose of purchasing and maintaining a factory to be used for the manufacturing of boots and shoes, and for other manufacturing purposes; and for the purposes herein named said corporation shall have the powers and be subject to the provisions and restrictions of all general corporation laws of this Commonwealth relating to similar corporations organized under the general laws which now are or may hereafter be in force; and shall have power to purchase, lease and hold in fee simple

Name and purpose.

Powers and duties.

or otherwise all or any part of that tract of land situated in South Abington in this Commonwealth lying on the south side of South Avenue and bounded on the north by said South Avenue, being on that line ninety-nine feet; on the east by land of Amelia Dunbar, wife of William H. Dunbar, being on that line two hundred and forty-nine feet; on the south by land of said Amelia Dunbar, being on that line ninety-three feet; and on the west by land of the Old Colony Railroad Company, being on that line two hundred and fifty-two and three-tenths feet; together with the buildings thereon and the engine, boiler, shafting and other appurtenances thereto belonging.

May purchase a certain tract of land in South Abington.

SECTION 2. The said corporation shall have the power to erect and maintain factory buildings and other buildings and structures on its land, and otherwise improve the same, and to sell, lease, mortgage or otherwise dispose of its corporate property or any part thereof.

May erect and maintain factory buildings.

SECTION 3. The capital stock of said corporation shall not exceed twenty-three thousand one hundred dollars, divided into shares of one hundred dollars each: *provided, however*, that no liability shall be incurred until the whole amount of said capital stock is paid in, in cash.

Capital stock and shares.

SECTION 4. This act shall take effect upon its passage.

*Approved March 27, 1885.*

AN ACT MAKING AN APPROPRIATION FOR THE PAYMENT OF CERTAIN BILLS IN CONNECTION WITH REPAIRS, IMPROVEMENTS AND FURNITURE AT THE STATE HOUSE IN THE YEAR EIGHTEEN HUNDRED AND EIGHTY-FOUR.

*Chap. 113*

*Be it enacted, etc., as follows:*

SECTION 1. The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the payment of bills now due and on file in the auditor's department, having been incurred for labor and material, in connection with certain improvements in the state house in the year eighteen hundred and eighty-four, to wit: —

Appropriations.

For repairs, improvements and furniture at the state house, nine thousand six hundred and eighty-three dollars and nine cents.

State house, repairs and improvements.

SECTION 2. This act shall take effect upon its passage.

*Approved March 30, 1885.*

**Chap.114** AN ACT TO AUTHORIZE THE TOWN OF NORTH ADAMS TO MAKE A WATER LOAN IN AID OF THE NORTH ADAMS FIRE DISTRICT.

*Be it enacted, etc., as follows:*

Town of North Adams may issue bonds for assisting the No. Adams Fire District.

SECTION 1. The town of North Adams for the purpose of assisting the North Adams Fire District in the manner hereinafter provided in meeting certain liabilities incurred by said fire district in constructing its water works, and to enable said fire district to redeem certain water scrip heretofore issued in aid of said fire district, and about becoming due, is authorized to issue, from time to time, bonds, notes or scrip, to an amount not exceeding in the aggregate two hundred and fifty thousand dollars; such bonds, notes and scrip shall bear on their face the words "North Adams Water Loan, Act of 1885"; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually, at a rate not exceeding six per centum per annum, and shall be signed by the treasurer and be countersigned by the chairman of the board of selectmen of said town, and a record of all such bonds, notes or scrip shall be made and kept by the treasurer of said town.

Town may loan bonds to fire district.

SECTION 2. The said town may loan said bonds, notes or scrip to the said fire district upon such terms and conditions as said town may prescribe by its vote, not inconsistent with the provisions of this act.

Fire District may sell or pledge bonds.

SECTION 3. The said fire district may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper, provided that such securities shall not be sold or pledged at less than the par value thereof, and shall apply the proceeds thereof, or so much as may be necessary, to defray the necessary expenses and liabilities incurred by said fire district under the provisions of chapter one hundred and eighty-six of the acts of the year eighteen hundred and eighty-three, and of prior acts therein mentioned, and to redeem certain water scrip or certificates of debt heretofore issued by the town of Adams, to the amount of one hundred thousand dollars, and known as the North Adams Water Scrip, from time to time as said last named scrip shall become due; and shall annually make a full report in writing to said town of its doings in disposing of such securities and in applying the proceeds thereof.

Annual report to town of disposition of securities.

SECTION 4. The said town of North Adams is authorized to annually assess upon the real estate located within the said fire district, and upon the personal estate of all persons resident in said fire district, and collect all taxes necessary to pay the interest as it accrues on the bonds, notes and scrip issued and loaned as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act. The said town shall provide, at the time of contracting its said loan authorized in section one, for the establishment of a sinking fund and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

Town may tax property in district to pay interest and contribute to sinking fund.

To establish a sinking fund.

SECTION 5. The said town, instead of establishing a sinking fund, may at the time of authorizing its said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall without further vote be assessed by the assessors of said town, and collected as provided in section four, in each year thereafter, until the debt incurred by its said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section fifty-four of chapter thirty-five of the Public Statutes.

May make annual proportionate payments instead of establishing sinking fund.

SECTION 6. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established, whether action has been taken in accordance with the provisions of the preceding section, and the amounts raised and applied thereunder for the current year.

Return of amount of sinking, etc.

SECTION 7. This act shall take effect upon its acceptance by a two-thirds vote of the voters of said town, present and voting thereon at a legal town meeting called for that purpose, within one year from its passage, and by a two-thirds vote of the voters of said fire district, present and voting thereon at a legal fire district meeting called for that purpose, within said one year; but the number of meetings so called in said year, in said town or in said fire district, shall not exceed three.

Subject to acceptance by a two-thirds vote of both town and district.

*Approved March 31, 1885.*

*Chap.* 115 AN ACT TO AUTHORIZE THE CITY OF NORTHAMPTON TO ISSUE SECURITIES TO RENEW A PORTION OF ITS WATER LOAN.

*Be it enacted, etc., as follows :*

May issue bonds to renew its water loan.

SECTION 1. The city of Northampton, for the purpose of renewing certain town notes, given in lieu of water bonds, under the authority of chapter two hundred and thirteen of the acts of the year eighteen hundred and eighty, and now becoming due, may issue bonds, notes or scrip, to an amount not exceeding in the aggregate fifty thousand dollars; such bonds, notes or scrip, shall bear on the face thereof the words "The City of Northampton Water Bond;" shall be payable at the expiration of periods not exceeding thirty years from the first day of April in the year eighteen hundred and eighty-five; shall bear interest payable semi-annually, at a rate not exceeding six per centum per annum, and shall be signed by the treasurer and the mayor and be countersigned by the auditor of said city.

May sell or pledge securities.

SECTION 2. The said city may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said city shall provide, at the time of contracting said loan, for the establishment of a sinking fund and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

Sinking fund to be established.

May make annual proportionate payments instead of providing sinking fund.

SECTION 3. The said city instead of establishing a sinking fund, may, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed, the amount required thereby shall, without further vote, be assessed by the assessors of said city in each year thereafter, until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

Return of amount of sinking fund, etc.

SECTION 4. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whether action has been taken in

accordance with the provisions of the preceding section, and the amounts raised and applied thereunder for the current year.

SECTION 5. The said city shall raise annually, by taxation, a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works, and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said city, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

To raise money by taxation sufficient to pay current expenses.

SECTION 6. This act shall take effect upon its passage.

*Approved April 1, 1885.*

AN ACT TO AUTHORIZE THE TRUSTEES OF THE STATE ALMSHOUSE AND STATE WORKHOUSE TO PROCURE A SUPPLY OF WATER FROM TAUNTON RIVER FOR THE STATE WORKHOUSE AT BRIDGEWATER.

*Chap. 116*

*Be it enacted, etc., as follows :*

SECTION 1. The board of trustees of the state alms-house and state workhouse are hereby authorized for the purpose of furnishing the state workhouse and its appurtenances at Bridgewater with a supply of water, for the extinguishment of fires and for domestic and other purposes, to take by purchase, or otherwise, and hold the water of Taunton River, at some convenient point near the site of said workhouse in the town of Bridgewater, and the water rights connected therewith, and also all lands, rights of way and easements necessary for holding and preserving such water, and for conveying the same to any part of said workhouse and the buildings and premises connected therewith, and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works ; and may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads, or public or private ways, and along any such ways, in such manner as not unnecessarily to obstruct the same ; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said trustees may dig up any such lands, and,

Water supply for the state workhouse at Bridgewater.

Conduits, pipes and other works.

under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

A description of land, etc. taken, to be recorded in registry of deeds.

SECTION 2. The said trustees shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded, in the registry of deeds for the county within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the chairman of said board; and the title of all lands so taken shall vest in the Commonwealth.

Liability for damages.

SECTION 3. The said trustees shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said trustees under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said trustees as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right or for any injury thereto, until the water is actually withdrawn or diverted by said trustees under the authority of this act.

Application for damages not to be made until water is actually diverted.

Expenses, etc., to be paid out of appropriations made for that purpose.

SECTION 4. All expenses and liabilities incurred by the said trustees and all damages arising under this act, shall be paid out of the appropriations made for that purpose, of funds from the treasury of the Commonwealth.

SECTION 5. This act shall take effect upon its passage.

*Approved April 1, 1885.*

## **Chap.117** AN ACT TO INCORPORATE THE REHOBOTH ANTIQUARIAN SOCIETY.

*Be it enacted, etc., as follows:*

Corporators.

SECTION 1. George H. Tilton, William H. Marvel, George N. Goff, Esek N. Pierce, Paschal E. Wilmarth, Charles Perry, George H. Horton, their associates and

successors, are hereby made a corporation by the name of the Rehoboth Antiquarian Society, for the purpose of collecting, receiving and preserving ancient manuscripts, books, natural and artificial curiosities; and for the erection and maintenance of a building in the town of Rehoboth to be called the Goff Memorial Building, to be used as a public library, school room, and for the preservation of the collections made under the authority herein granted.

Name and purpose.

SECTION 2. The capital stock of said corporation shall not exceed two hundred and fifty thousand dollars, and shall be divided into shares of ten dollars each. Said corporation shall have all the powers and be subject to all the duties, restrictions and liabilities set forth in chapter one hundred and fifteen of the Public Statutes applicable to like corporations.

Capital stock and shares.

*Approved April 1, 1885.*

AN ACT DEFINING THE DUTIES OF THE BOARD OF EDUCATION RELATING TO THE PERKINS INSTITUTION FOR THE BLIND.

*Chap. 118*

*Be it enacted, etc., as follows:*

The Board of Education shall have the same supervision over the admission and instruction of pupils in the Perkins Institution and Massachusetts School for the Blind that it now exercises over the instruction of deaf mutes and deaf children under sections sixteen and seventeen of chapter forty-one of the Public Statutes.

Admission, etc., of pupils under supervision of board of education.

*Approved April 1, 1885.*

AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE BOARD OF RAILROAD COMMISSIONERS.

*Chap. 119*

*Be it enacted, etc., as follows:*

SECTION 1. The annual salary of the clerk of the board of railroad commissioners shall be twenty-five hundred dollars from the first day of January in the year eighteen hundred and eighty-five.

Salary of clerk.

SECTION 2. So much of section ten of chapter one hundred and twelve of the Public Statutes as is inconsistent with this act is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

*Approved April 1, 1885.*

*Chap.*120 AN ACT TO PROVIDE FOR A CHANGE OF THE GRADE OF THE OLD CEMETERY IN NORWOOD.

*Be it enacted, etc., as follows:*

Town may lower grade of old cemetery and remove remains of dead.

To give notice of intention.

Remains to be re-interred.

Proviso.

Remains may be re-interred in any authorized cemetery in the state.

Town may raise by taxation sufficient to meet expenses.

SECTION 1. The town of Norwood is hereby authorized, under the direction of its selectmen and board of health, to lower the grade of the old parish cemetery in said town adjoining the location of the New York and New England Railroad and lying northwesterly of said railroad location between said location and Washington Street, or such part of said cemetery as said town may think proper, and to remove, replace and re-inter the remains of the dead and the monuments erected to their memory in said cemetery: *provided, however*, that the selectmen of said town shall first give thirty days' notice in some newspaper of general circulation in said town, that said change of grade and removal, replacing and re-intering of the remains of the dead and their monuments is intended; *and provided, further*, that the remains so removed shall be re-interred and the monuments so removed shall be re-erected in substantially the same relative positions after such change of grade is made as they now occupy in said cemetery, *and provided, further*, that the parish to which the land was conveyed to form said cemetery shall first consent thereto.

SECTION 2. The remains so removed may be re-interred in any other authorized cemetery in this Commonwealth, instead of as herein before provided, and the monuments erected in connection with the same, re-erected in such other cemetery, if the relatives or friends of those whose remains are so removed shall so request in writing, and first give a satisfactory guarantee to pay the expense of the removal and re-interment.

SECTION 3. Said town is hereby authorized at its next annual meeting or at any legal town meeting called for that purpose, to raise by taxation and appropriate such sums as shall be found necessary for the purposes of this act.

SECTION 4. This act shall take effect upon its passage.

*Approved April 1, 1885.*

*Chap.*121 AN ACT RELATING TO CO-OPERATIVE BANKS.

*Be it enacted, etc., as follows:*

SECTION 1. In any co-operative bank, now or hereafter formed under the provisions of chapter one hundred

and seventeen of the Public Statutes, the offices of secretary and treasurer may be held by one and the same person.

One person may be both secretary and treasurer.

SECTION 2. At each periodical distribution of profits, the directors shall reserve as a guaranty fund a sum not less than one nor more than five per cent. of the net profits accruing since the next preceding adjustment, until such fund amounts to five per cent. of the dues capital, which fund shall thereafter be maintained and held; and said fund shall be at all times available to meet losses in the business of the corporation from depreciation of its securities or otherwise.

Guarantee fund to be reserved from profits

SECTION 3. Chapter thirteen of the Public Statutes is amended as follows:—By striking out the following subtitle, “Taxation of Co-operative Saving Fund and Loan Associations,” and inserting in place thereof the following:—“Taxation of Co-operative Banks”; and section twenty-four of said chapter thirteen is amended by striking out the words “co-operative saving fund and loan association,” in the first line thereof, and inserting in their stead the words “co-operative bank”; and by striking out the word “associations,” in the last line thereof, and inserting the word “banks.”

Amendment to P. S. 13.

SECTION 4. Chapter two hundred fifty-one of the acts of the year eighteen hundred eighty-two is amended as follows:—In the title thereof, so as to read “An act relating to Co-operative Banks”; and in the thirty-second line of section one of said chapter, by inserting the word “premium” after the word “interest” in said line, so as to read, “interest, premium and fines.”

Amendment to 1882, 251.

SECTION 5. This act shall take effect upon its passage.

*Approved April 1, 1885.*

#### AN ACT RELATING TO THE INSPECTION AND SALE OF CERTAIN OILS. *Chap. 122*

*Be it enacted, etc., as follows:*

SECTION 1. No person shall sell or keep for sale at retail, for illuminating purposes, any kerosene, refined petroleum, or any product of petroleum, unless the same has been inspected and approved by an inspector duly authorized by some city or town in this Commonwealth. Any town, or the city council of any city, may adopt such ordinances, by-laws and regulations in relation to the inspection of such of the above mentioned oils as have not

Inspection of cert. in illuminating oils to be sold at retail.

been inspected and approved by some inspector duly authorized as above, as they may deem reasonable, not inconsistent with the provisions of this act and of chapter one hundred and two of the Public Statutes.

Penalties.

SECTION 2. Any person violating the provisions of the preceding section shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail or house of correction for not more than one month, or by both said penalties, in the discretion of the court.

Repeal of  
P. S., 59, §7,  
1882, 250.

SECTION 3. Section seven of chapter fifty-nine of the Public Statutes and chapter two hundred and fifty of the acts of the year eighteen hundred and eighty-two are hereby repealed.

*Approved April 3, 1885.*

### Chap.123

AN ACT RELATING TO SURVEYORS OF HIGHWAYS, AND TO TREES IN HIGHWAYS.

*Be it enacted, etc., as follows :*

Towns may vote  
money for shade  
trees.

SECTION 1. Section twelve of chapter twenty-seven of the Public Statutes is amended so as to read as follows :— A city or town may grant and vote a sum not exceeding fifty cents for each of its ratable polls in the preceding year to be expended in planting, or in encouraging the planting by the owners of adjoining real estate, of shade trees upon the public squares or highways, and may plant such trees subject to the provisions of section six of chapter fifty-four.

Officer appoint-  
ed to trim and  
lop off trees and  
bushes.

SECTION 2. Section ten of chapter fifty-two of the Public Statutes is amended so as to read as follows :— The officer appointed to have the care of the trees belonging to a city or town and his assistants, but no other person, except as is provided in the following section and in section ten of chapter fifty-four, may, and when required by the surveyors of highways or road commissioners shall, trim or lop off trees and bushes standing in highways, townways, streets or lanes, and, when ordered by a vote of the mayor and aldermen, selectmen or road commissioners passed after public notice and hearing shall cut down and remove such trees ; and the surveyors of highways and road commissioners shall forthwith cause to be dug up and removed whatever obstructs such ways, or endangers, hinders or incommodes persons travelling thereon ; and shall forthwith cause snow to be

removed from such ways or to be so trodden down as to make the ways reasonably safe and convenient.

SECTION 3. Sections nine and twelve of chapter fifty-four of the Public Statutes are repealed. Repeal.

SECTION 4. This act shall take effect upon its passage.

*Approved April 3, 1885.*

AN ACT TO AUTHORIZE SAVINGS BANKS AND INSTITUTIONS FOR Chap.124  
SAVINGS TO INVEST IN CERTAIN CITY BONDS.

*Be it enacted, etc., as follows :*

Chapter two hundred thirty-one of the acts of the year eighteen hundred and eighty-two is hereby amended by striking out the word "fifty," preceding the word "thousand" in the tenth line, and inserting the word "thirty" in lieu thereof, so as to allow savings banks and institutions for savings to invest in the bonds of the cities in the states therein mentioned which have more than thirty thousand inhabitants.

May invest in bonds of cities having more than thirty thousand inhabitants.

*Approved April 3, 1885.*

AN ACT TO PROVIDE FOR SICKNESS OR ABSENCE OF AN OFFICER Chap.125  
SERVING AN EXECUTION.

*Be it enacted, etc., as follows :*

SECTION 1. When an officer has begun to serve an execution, and dies, or is incapable of completing the service and return thereof, the same may be completed by any other officer who might by law have served the execution if originally delivered to him; or in case of sickness or absence the judgment creditor or the officer who began to serve the execution may delegate any other officer who might by law have served the execution if originally delivered to him, temporarily to act for him during said sickness or absence. If the first officer has not made a certificate of his doings, the second officer shall certify whatever he finds to have been done by the first officer, and shall add thereto a certificate of his own doings, whether the same be in part or wholly completing the service.

When an officer who has commenced service of an execution dies, etc., the service may be completed by another.

SECTION 2. Section fifty-four of chapter one hundred and seventy-one of the Public Statutes is hereby repealed.

Repeal of P. S., 171, §54.

*Approved April 3, 1885.*

*Chap. 126* AN ACT AUTHORIZING THE NAUMKEAG STREET RAILWAY COMPANY  
TO ISSUE MORTGAGE BONDS.

*Be it enacted, etc., as follows:*

May issue bonds  
and mortgage  
franchise and  
property as  
security.

SECTION 1. The Naumkeag Street Railway Company by a vote of a majority in interest of its stockholders at a meeting called for the purpose, may issue coupon or registered bonds to an amount not exceeding one hundred thousand dollars in addition to any bonds heretofore authorized, for a term not to exceed fifteen years from the present year; and to secure the payment thereof, with interest thereon, the said company may make a mortgage of its road and franchise and any part or all of its other property, and may include, in such mortgage, property thereafter to be acquired. Said company may in such mortgage reserve to its directors the right to sell or otherwise in due course of business dispose of property included in such mortgage which may become worn, damaged or otherwise unsuitable to be used in the operation of its road: *provided*, that an equivalent in value be substituted in lieu thereof.

Bonds to be  
certified by per-  
son appointed  
for that purpose.

SECTION 2. All bonds so issued shall first be approved by some person appointed by the corporation for that purpose, who shall certify upon each bond that it is properly issued and recorded.

SECTION 3. This act shall take effect upon its passage.

*Approved April 3, 1885.*

*Chap. 127* AN ACT CONCERNING AN ERRONEOUS ASSESSMENT OF THE COUNTY  
TAX BY THE COUNTY COMMISSIONERS OF MIDDLESEX COUNTY IN  
THE YEAR EIGHTEEN HUNDRED AND EIGHTY-THREE.

*Be it enacted, etc., as follows:*

Apportionment  
of county taxes.

SECTION 1. The county commissioners of Middlesex County shall make an apportionment of the county taxes of that county for the year eighteen hundred and eighty-three, according to the valuation made in the seventy-first chapter of the statutes of that year, shall compare said apportionment with the apportionment actually made and certified by them in that year, noting in detail the difference between the two and shall record the same, all before certifying the apportionment of the county taxes of said county for the present year.

Errors to be  
corrected.

SECTION 2. They shall apportion the county taxes of the current year upon the basis of said statute, and having

thus made said apportionment they shall add to or subtract from the amounts apportioned upon the respective cities and towns in said county such sums as shall rectify the errors, if any, made in the apportionment of eighteen hundred and eighty-three as ascertained and recorded in the manner provided in the preceding section hereof, and the apportionment as thus modified shall stand as the true and legal apportionment of the county taxes for the current year and shall be certified accordingly by the commissioners to the assessors of the respective cities and towns.

SECTION 3. This act shall take effect upon its passage.

*Approved April 3, 1885.*

AN ACT TO INCORPORATE THE IMPROVED DWELLINGS ASSOCIATION. *Chap. 128*

*Be it enacted, etc., as follows:*

SECTION 1. Nathaniel J. Bradlee, Richard H. Dana, Corporators.  
Charles W. Dexter, Arthur B. Ellis, George S. Hale,  
Alice N. Lincoln, Ida M. Mason, George O. Shattuck,  
their associates and successors, are hereby made a corporation for the term of thirty years by the name of the  
“Improved Dwellings Association,” in the city of Boston, Name and purpose.  
to hold and improve real estate in said city for the purpose of erecting, maintaining, leasing and improving homes for working people and others of moderate means, and to promote the adoption of modes of building and enforcement of sanitary regulations calculated to secure the comfortable and healthful condition of structures so occupied; subject to the provisions of chapters one hundred and five and one hundred and six of the Public Statutes and to all general laws which now are or may hereafter be in force relating to such corporations.

SECTION 2. Said corporation shall have power to buy, May buy and sell real estate.  
sell and hold real estate for the purposes aforesaid, not exceeding two hundred and fifty thousand dollars in value.

SECTION 3. The capital stock of said corporation shall Capital stock and shares.  
not exceed two hundred and fifty thousand dollars to be divided into shares each of the par value of one hundred dollars, and the dividends on said shares shall not exceed six per cent. per annum on the par value thereof.

SECTION 4. Any surplus accumulated by said corporation shall be used as a sinking or reserve fund, or in improving the condition or increasing the number or the extent and capacity of the buildings occupied for such Sinking fund.

Proviso.

homes: *provided, however*, that the rentals from all the property owned by said corporation shall be limited to such rates as will after paying six per cent. for every year maintain said sinking or reserve fund at a sum not exceeding fifty thousand dollars.

SECTION 5. This act shall take effect upon its passage.

*Approved April 3, 1885.*

**Chap. 129** AN ACT TO AMEND AN ACT TO AUTHORIZE THE CITIES OF BOSTON AND CAMBRIDGE TO CONSTRUCT AND MAINTAIN A BRIDGE OVER CHARLES RIVER.

*Be it enacted, etc., as follows:*

Draw to conform, in width, to draws in bridges below.

The first section of the one hundred and fifty-fifth chapter of the acts of the year eighteen hundred and eighty-two, entitled "An Act to authorize the cities of Boston and Cambridge to construct and maintain a bridge over Charles River," is amended so as to require that said bridge shall have a draw with a clear opening of at least thirty-six feet in width for the passage of vessels, and shall not be required to have a draw of greater width, until the several bridges over Charles River below said bridge are required to have draws of a greater clear opening than thirty-six feet, when the draw in said bridge shall be widened so as to conform thereto.

*Approved April 3, 1885.*

**Chap. 130** AN ACT TO AUTHORIZE AND CONFIRM CERTAIN LEASES TO THE BOSTON AND LOWELL RAILROAD CORPORATION, AND TO INCREASE THE NUMBER OF ITS DIRECTORS.

*Be it enacted, etc., as follows:*

Leases confirmed.

SECTION 1. The lease of the Northern Railroad, dated the eighteenth day of June eighteen hundred and eighty-four, and the lease of the Boston, Concord and Montreal Railroad, dated the nineteenth day of June eighteen hundred and eighty-four, to the Boston and Lowell Railroad Corporation, are hereby authorized, ratified and confirmed, and said Boston and Lowell Railroad Corporation may take a lease of either of said railroads in accordance with the general laws of the Commonwealth.

May increase number of directors.

SECTION 2. The Boston and Lowell Railroad Corporation is authorized to increase the number of its directors from seven to eleven.

SECTION 3. This act shall take effect upon its passage.

*Approved April 3, 1885.*

## AN ACT TO INCREASE THE DISTRICT POLICE.

Chap.131

*Be it enacted, etc., as follows:*

SECTION 1. The governor may appoint four district police officers, in addition to the number now authorized by chapter one hundred and three of the Public Statutes, in such districts as he shall deem best: *provided*, that the whole district police force shall not exceed twenty men.

Additional district police officers.

SECTION 2. This act shall take effect upon its passage.

*Approved April 3, 1885.*

## AN ACT TO AUTHORIZE THE JUSTICES OF MUNICIPAL, POLICE AND DISTRICT COURTS TO INTERCHANGE SERVICES.

Chap.132

*Be it enacted, etc., as follows:*

The justices of municipal, police and district courts may interchange services or perform each other's duties when they find it necessary or convenient.

Justices may interchange services.

*Approved April 3, 1885.*

## AN ACT TO PREVENT THE WILFUL DEFACING AND MISUSE OF MILK CANS.

Chap.133

*Be it enacted, etc., as follows:*

SECTION 1. Whoever without the consent of the owner thereof knowingly and wilfully effaces, alters, or covers over, or procures to be effaced, altered or covered over the name, initial or device of any dealer or dealers in milk, marked or stamped upon a milk can or cans, or whoever with intent to defraud and without such consent detains or uses in his business any such can or cans having the name, initial or device of any dealer or dealers in milk so marked or stamped thereon, shall be punished by a fine not exceeding ten dollars.

Penalty for defacing milk cans.

SECTION 2. This act shall take effect upon its passage.

*Approved April 3, 1885.*

## AN ACT AUTHORIZING THE SUPERIOR COURT TO HOLD SESSIONS BY ADJOURNMENT AT BROCKTON IN THE COUNTY OF PLYMOUTH.

Chap.134

*Be it enacted, etc., as follows:*

SECTION 1. The justices holding the respective terms of the superior court in and for the county of Plymouth shall have the same power to adjourn any of the established terms of said court for said county from Plymouth

Terms of superior court; adjournment from Plymouth to Brockton.

City of Brockton  
to provide ac-  
commodations  
for the court.

to Brockton in said county of Plymouth, as they now have to adjourn from one shire town to another; any adjournment so made shall have the same effect as if made from one shire town to another, and shall be subject to all the provisions of law relating to adjournments from one shire town to another: *provided*, the city of Brockton shall provide and maintain suitable accommodations for said court, the same to be at no expense to said county except that the county commissioners of said county may authorize said city of Brockton to use the whole or any part of the furniture referred to in section two of this act, in furnishing said accommodations.

Town of Bridge-  
water to be re-  
imbursed for  
expenses of  
court room.

SECTION 2. The county commissioners of said county are hereby authorized and directed to re-imburse the town of Bridgewater for expenses incurred by said town in providing and furnishing a room for the holding of the terms of said court adjourned from Plymouth and held in Bridgewater since the passage of the act allowing such adjournments in chapter forty-eight of the acts of the year eighteen hundred and eighty, and upon such re-imbursement the furniture used by said town therefor shall become the property of said county.

Repeal.

SECTION 3. So much of section eighteen of chapter one hundred and fifty-two of the Public Statutes as authorizes said court to adjourn any established term in and for said county of Plymouth to Bridgewater is hereby repealed.

SECTION 4. This act shall take effect upon its passage.

*Approved April 3, 1885.*

**Chap.135** AN ACT ALLOWING SPECIAL AND TRIAL JUSTICES TO RECEIVE FEES  
FOR TAKING BAIL.

*Be it enacted, etc., as follows:*

Fees for taking  
bail in criminal  
cases.

SECTION 1. Section fifty-one of chapter two hundred and twelve of the Public Statutes is hereby amended so as to read as follows:—No justice of any court shall be allowed to receive any fee or compensation for taking and approving bail in criminal cases in the county of Suffolk.

SECTION 2. This act shall take effect upon its passage.

*Approved April 3, 1885.*

**Chap.136** AN ACT RELATING TO RECOGNIZANCE OF WITNESSES IN CERTAIN  
CASES.

*Be it enacted, etc., as follows:*

SECTION 1. A court or justice which adjourns, under the provisions of section twenty-six of chapter two hun-

dred and twelve of the Public Statutes, the examination or trial of a defendant charged with an offence punishable with death or imprisonment for life, may bind by recognizance the material witnesses against the prisoner to appear and testify at the time and place to which the trial or examination is adjourned. The fee for taking such recognizance shall be twenty cents.

Material witnesses may be bound by recognizance to appear at a further examination in capital, etc., cases.

SECTION 2. The provisions of sections thirty-seven, thirty-eight, thirty-nine, forty and forty-one of said chapter, so far as applicable, shall apply to recognizances taken under the provisions of this act.

Provisions of P. S., 212, §§37-41, to apply.

SECTION 3. This act shall take effect upon its passage.

*Approved April 3, 1885.*

AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE MUNICIPAL COURT OF THE CITY OF BOSTON FOR CRIMINAL BUSINESS, AND TO PROVIDE AN ADDITIONAL ASSISTANT CLERK FOR SAID COURT.

*Chap. 137*

*Be it enacted, etc., as follows:*

SECTION 1. The clerk of the municipal court of the city of Boston for criminal business shall receive an annual salary of three thousand dollars.

Salary of clerk.

SECTION 2. The clerk of the municipal court of the city of Boston, for the transaction of criminal business may, subject to the approval of the justices of said court or a majority of them, appoint an additional assistant clerk for said court, who shall receive an annual salary of fourteen hundred dollars; all provisions of existing laws relating to the appointment, removal, payment, authority and qualifications of the present assistant clerks of said court shall apply to said additional assistant clerk.

Additional assistant clerk; salary.

SECTION 3. This act shall take effect upon its passage.

*Approved April 3, 1885.*

AN ACT TO AUTHORIZE THE TOWN OF MARLBOROUGH TO MAKE AN ADDITIONAL WATER LOAN.

*Chap. 138*

*Be it enacted, etc., as follows:*

SECTION 1. The town of Marlborough, for the purposes mentioned in section four of chapter one hundred and ninety-one of the acts of the year eighteen hundred and eighty, may issue notes, bonds or scrip, to be denominated on the face thereof Marlborough Water Loan, to an amount not exceeding fifty thousand dollars in addition to the amounts heretofore authorized by law to be

Marlborough water loan.

Whole amount  
not to exceed  
\$250,000.

issued by said town for the same purposes; said notes, bonds or scrip to be issued upon the same terms and conditions and with the same powers as are provided in said act for the issue of the Marlborough Water Loan by said town: *provided*, that the whole amount of such notes, bonds or scrip issued by said town, together with those heretofore issued by said town for the same purposes, shall not in any event exceed the amount of two hundred and fifty thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved April 3, 1885.*

**Chap.139** AN ACT TO AUTHORIZE THE CITY OF WORCESTER TO TAKE THE OLD COMMON FOR THE PURPOSES OF A PUBLIC PARK OR A CITY HALL.

*Be it enacted, etc., as follows:*

May take the  
old common for  
a public park.

SECTION 1. The city of Worcester is hereby authorized, by its city council, to acquire by purchase or to take for the purposes of a public park, or for the purposes of a city hall, all the title and interest of the first parish in Worcester, in the old common in said city.

Copy of vote to  
be served upon  
the first parish.

SECTION 2. Said city shall, within thirty days after its city council shall vote to take said title and interest, cause a certified copy of the vote to be served upon said parish in the manner provided in chapter one hundred and sixty-one, section thirty-five of the Public Statutes; and the return of the officer making the service, being recorded with a certified copy of said vote in the registry of deeds for the county of Worcester, shall be evidence of such service.

Liability for  
damages.

SECTION 3. Said city shall be liable to pay all damages, if any, which shall be sustained by said parish by the taking of its title and interest in said common, including the building situated on said common belonging to said parish, by authority of this act; and if said parish shall not agree with said city upon the amount of said damages, said parish may apply by petition for the assessment of said damages, within one year after it shall have notice of the passage by said city council of the vote to take said title and interest, to the superior court in the county of Worcester; and said court shall thereupon, after due notice to said city, appoint three commissioners, who, after hearing the parties, shall assess said damages; and the award of said commissioners or of a major part of them, being returned into and accepted by said court,

shall be final and judgment shall be rendered thereon for the prevailing party with costs, unless one of said parties shall claim a trial by jury as hereinafter provided.

SECTION 4. If either of said parties shall be dissatisfied with the amount of damages awarded by said commissioners, such party may, at the term at which said award is accepted or the next term thereafter, claim a trial by jury; and said court shall thereupon order a trial to be had at the bar of said court in the same manner in which other civil causes are there tried by jury.

Either party may claim a trial by jury.

SECTION 5. The said city may at any time after the entry of said application offer in court, and consent in writing, that a sum therein specified may be awarded as damages to said parish; and if said parish shall not accept the same within thirty days after it has received notice of said offer, or within such further time as the court shall for good cause grant, and shall not finally recover a greater sum than the sum offered, not including interest on the sum recovered in damages from the date of the offer, the said city shall be entitled to recover its costs after said date; and said parish if it recovers damages shall be allowed its costs only to the date of the offer.

City may offer in court that a sum specified may be awarded as damages.

If not accepted within thirty days to have effect of a tender.

SECTION 6. Said parish may occupy and use the meeting-house standing on said common free of rent for one year after it shall have notice of the passage of such a vote by said city council, and may within said time, with the leave of the mayor and aldermen, remove said meeting-house from said common; and said parish shall within said time cause the pews in said meeting-house to be appraised in the manner provided in chapter thirty-eight, sections twenty-two, thirty-six and thirty-seven of the Public Statutes, and the appraised value of said pews shall be paid to the owners thereof by said parish from the money received from said city as the price of the title and interest of said parish in said common or as damages for the taking thereof as herein provided. Any balance of money so received from said city after paying the owners of pews the appraised value thereof shall be expended for parish purposes and for no other purposes whatever.

Parish may occupy meeting-house for one year after service of notice.

Pews to be appraised.

Appraised value to be paid to owners.

Balance for parish purposes.

*Approved April 3, 1885.*

**Chap. 140** AN ACT RELATING TO THE ELECTION OF THE MEMBERS OF THE BOARD OF WATER COMMISSIONERS OF THE TOWN OF WESTFIELD.

*Be it enacted, etc., as follows:*

To hold office for three years from date of election.

SECTION 1. The members of the present board of water commissioners of the town of Westfield shall severally hold their offices for the term of three years from the day of their election. The said town at its annual town meeting in the year eighteen hundred and eighty-six, and at each annual town meeting thereafter, shall elect by ballot one such commissioner for the term of three years.

One to be elected each year.

SECTION 2. This act shall take effect upon its passage.

*Approved April 3, 1885.*

**Chap. 141** AN ACT IN RELATION TO SUMMONING OF WITNESSES.

*Be it enacted, etc., as follows:*

Summoning witnesses.

SECTION 1. Every clerk of a court of record and every justice of the peace may issue summonses for witnesses in all cases pending before courts, magistrates, auditors, referees, arbitrators and other persons authorized to examine witnesses; and the summons shall be in the form heretofore adopted and commonly used, but may be altered from time to time like other writs: *provided, however*, that justices of the peace shall not issue summonses for witnesses in criminal cases unless requested so to do by the attorney-general or other person acting in the case in behalf of the state, or by the party prosecuted, and, in the latter case, it shall be expressed in the summons that it is granted at the request of the party prosecuted; and the witness shall not be required to attend unless upon payment or tender of his legal fees.

Proviso.

Repeal of P. S., 105, §3, 169, §1, 1834, 247.

SECTION 2. Section three of chapter one hundred and fifty-five and section one of chapter one hundred and sixty-nine of the Public Statutes and chapter two hundred and forty-seven of the acts of the year eighteen hundred and eighty-four are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

*Approved April 8, 1885.*

**Chap. 142** AN ACT IN RELATION TO POLLING PLACES IN CITIES.

*Be it enacted, etc., as follows:*

Amendment to 1884, 299, §5.

Section five of chapter two hundred and ninety-nine of the acts of the year eighteen hundred and eighty-four is amended so as to read as follows: — The board of alder-

men of each city, ten days at least before the day of any special election and thirty days at least before the day of any other election held in said city, shall designate and appoint the polling place for each of the voting precincts in such city, and procure the same for such purpose, and cause it to be suitably fitted up and prepared therefor; and they shall thereupon cause to be posted in at least ten public places in each precinct a printed description of the place so designated, and shall give such other public notice thereof as they may think necessary or proper. Such polling place shall be in the most public, orderly and convenient portion of the precinct: *provided*, that when no convenient polling place can be had within the territorial limits of any precinct, the mayor and aldermen are authorized to designate and appoint one in some convenient place within the limits of any of the adjoining precincts of such city; and for such purposes the place so designated and appointed for the polling place of such precinct shall be deemed and taken to be included in and part of said precinct, as though the same was within the territorial limits thereof. No building or part of a building shall be designated, appointed or used as a polling place in which, or in any part of which, intoxicating liquor is sold, or has been sold within thirty days next preceding the day of election.

Polling places to be designated and notice to be posted in ten public places in precinct.

Proviso.

Building not to be designated where intoxicants are sold.

*Approved April 8, 1885.*

AN ACT TO INCORPORATE THE FEEDING HILLS OLD CEMETERY  
ASSOCIATION IN THE TOWN OF AGAWAM.

*Chap. 143*

*Be it enacted, etc., as follows:*

SECTION 1. Samuel Flower, George Burbank and Edward P. Leonard, their associates and successors, are hereby made a corporation by the name of the Feeding Hills Old Cemetery Association, for the purpose of controlling, caring for and improving the grounds set apart and known as the Old Burying Ground, situated and lying within one enclosure in the village of Feeding Hills, so called, in the town of Agawam; and said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the general laws which now are or hereafter may be in force applicable to similar corporations.

Feeding Hills Old Cemetery Association incorporated.

Powers and duties.

SECTION 2. Said association is hereby authorized to take possession and assume legal control of said burying

May take the old burying ground.

ground, and may acquire by gift, bequest, devise or purchase, and may hold, so much personal property as may be necessary for the objects connected with and appropriate for the purposes of said association: *provided*, that nothing herein contained shall affect the individual rights of proprietors in said cemetery.

Assessment of damages.

SECTION 3. Any person aggrieved by the provisions of this act may, at any time within one year after this act takes effect, apply by petition to the superior court for the county of Hampden, and his damages, if any, shall be assessed and determined by and under the direction of said court, and shall be paid by said Feeding Hills Old Cemetery Association.

SECTION 4. This act shall take effect upon its passage.

*Approved April 8, 1885.*

*Chap.*144

AN ACT RESPECTING THE FORM OF COMPLAINTS IN CERTAIN  
CRIMINAL PROSECUTIONS.

*Be it enacted, etc., as follows:*

Form of complaints in certain criminal prosecutions.

Section seventeen of chapter two hundred and thirteen of the Public Statutes is hereby amended so that the same shall read as follows:—In any prosecution by complaint, indictment or otherwise, founded on a special act of the legislature, an ordinance or by-law of a city or town, an order of the mayor and aldermen, rules of the civil service commissioners, or of a board of health or of a board of police or fire commissioners, it shall be sufficient to set forth the offence fully, plainly, substantially and formally; and no part of such law, ordinance, by-law, order or rules need be set forth.

*Approved April 8, 1885.*

*Chap.*145

AN ACT REPEALING SECTION TWELVE OF CHAPTER FIFTY-SEVEN OF  
THE PUBLIC STATUTES CONCERNING MILK CANS.

*Be it enacted, etc., as follows:*

Cans of any capacity may be used in sale of milk.

SECTION 1. Section twelve of chapter fifty-seven of the Public Statutes, relating to the number of quarts that a milk can shall hold, is hereby repealed.

SECTION 2. This act shall take effect upon its passage.

*Approved April 8, 1885.*

## AN ACT TO INCORPORATE THE MALDEN PUBLIC LIBRARY.

Chap. 146

*Be it enacted, etc., as follows:*

SECTION 1. The trustees of the Malden Public Library for the time being, and their successors, are hereby made a corporation by the name of the Malden Public Library, for the purpose of establishing and maintaining a public library in Malden, with all the powers, rights and privileges, and subject to all the duties, limitations and restrictions, set forth in all general laws which are or may be in force in this Commonwealth applicable to such corporations.

Malden Public Library.

Powers and duties.

SECTION 2. Said corporation shall have authority to hold real and personal estate to the amount of two hundred thousand dollars for the purposes aforesaid, in addition to books and objects of curiosity and art.

Real and personal estate.

SECTION 3. The corporation shall consist of the mayor, the chairman of the board of aldermen, and the president of the common council of the city of Malden, for the time being, who shall be members *ex officio*, and nine other citizens of Malden, who shall constitute a board of trustees, and whose terms of office shall be as follows:—The members *ex officio* for the terms of their respective offices, and the remaining trustees for the terms for which they may be elected. The present trustees of the Malden Public Library shall continue in office for the remainder of their respective terms and until their successors are chosen. Annually in the month of January thereafter the said board of trustees shall elect three persons, citizens of Malden, who shall be members of said board for three years from the first day of February in the year of their election, and until their successors are chosen. Whenever a vacancy shall occur in the board of trustees by death, resignation or otherwise, the remaining trustees shall fill such vacancy by an election for the unexpired term. If the board of trustees shall fail for three months to elect its members in accordance with the provisions of this act, the city council shall forthwith proceed to an election by concurrent vote. No member of the board of trustees shall receive compensation for his services.

Board of trustees.

Vacancies in board.

To serve without compensation.

SECTION 4. The city of Malden is authorized to transfer and convey to said corporation all funds, gifts and bequests which are or may be held and enjoyed by it for the purposes of a public library, to be held and

City may transfer to corporation, funds, books, etc.

applied in the same manner as they are or may be held and applied by the city, and all books, pamphlets, objects of curiosity and art, and other property of the Malden Public Library, to be held by said corporation in the same manner as such property may be held by the city for the use of the inhabitants of Malden, under reasonable regulations made or to be made by the corporation.

Inhabitants to have free use of library under reasonable regulations.

SECTION 5. Said corporation shall allow the inhabitants of Malden free use of said library under reasonable restrictions and regulations. Said city may appropriate and pay annually towards defraying the expense of maintaining and increasing said library such sum or sums as may be legally appropriated and paid by cities and towns for such purposes. Said city may also pay to said corporation for the use of the library any money by law applicable to the use of a city library. The trustees shall render to the city council annually in the month of January a report of their proceedings, and a statement of the condition of the library, its property and funds, the number of books added during the year, with an accurate account of all receipts and expenditures, together with any other information or suggestions which they may deem desirable.

Report to be made to city council annually.

Subject to acceptance by the city council.

SECTION 6. This act shall take effect upon its acceptance by the aldermen and common council of the city of Malden.

*Approved April 9, 1885.*

## Chap. 147

### AN ACT RELATING TO RENT OF ARMORIES.

*Be it enacted, etc., as follows :*

Amount of rent to be certified, under oath, to the adjutant-general.

SECTION 1. Section ninety-eight of chapter fourteen of the Public Statutes is amended so as to read as follows : — The mayor and aldermen of cities and selectmen of towns shall annually, in October or November, transmit to the adjutant-general a certificate verified by oath or affirmation of at least two of their board, showing the name of each militia organization or headquarters furnished with an armory, the amount paid or charged for the rent thereof, and that the said rent is fair and reasonable according to the value of real estate in their place.

SECTION 2. This act shall take effect upon its passage.

*Approved April 9, 1885.*

AN ACT TO AID IN THE SUPPRESSION OF CONTAGIOUS DISEASES *Chap. 148*  
AMONG DOMESTIC ANIMALS.

*Be it enacted, etc., as follows:*

SECTION 1. Whoever has knowledge of the existence of a contagious disease among any species of domestic animals in this state, whether such knowledge is obtained by examination or otherwise, shall forthwith give notice thereof to the board of aldermen of the city or the selectmen of the town where such diseased animals are kept, and for failure so to do shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in jail not exceeding one year.

Notice to be given where diseased animals are kept.

Penalty.

SECTION 2. The board of aldermen of a city or the selectmen of a town having received notice of a contagious disease among domestic animals in their city or town, shall forthwith inform the board of cattle commissioners of the existence of such contagious disease.

Cattle commissioners to be notified forthwith.

SECTION 3. Section three of chapter ninety of the Public Statutes is hereby amended so as to read as follows:—They may cause all such animals, except those infected with glanders or farcy, to be appraised by three competent and disinterested men, under oath, at the value thereof at the time of the appraisement, and the amount of the appraisement shall be paid as provided in section one; and they shall cause all animals infected with glanders or farcy to be killed without appraisement; but may pay the owner an equitable sum for his services in the killing, and for any reasonable expense incurred by the burial thereof.

Animals to be appraised.

If infected with glanders, etc., to be killed.

SECTION 4. The cattle commissioners, in the necessary discharge of their duties, may administer oaths.

May administer oaths.

SECTION 5. This act, except for the enforcement of the penalty prescribed in section one, shall take effect upon its passage.

*Approved April 9, 1885.*

AN ACT RELATING TO THE JURISDICTION OF MUNICIPAL, DISTRICT AND POLICE COURTS IN CASES CONCERNING THE INSPECTION AND SALE OF MILK. *Chap. 149*

*Be it enacted, etc., as follows:*

SECTION 1. Municipal, district and police courts and trial justices shall, in their respective counties, concurrently with the superior court, have jurisdiction of cases arising under the provisions of chapter fifty-seven of the

Concurrent jurisdiction with superior court relating to inspection, etc., of milk.

Public Statutes relating to the inspection and sale of milk, and may impose the same penalties for any violation of the provisions of said chapter as therein provided.

SECTION 2. This act shall take effect upon its passage.

*Approved April 9, 1885.*

### Chap.150

#### AN ACT TO PREVENT THE ADULTERATION OF VINEGAR.

*Be it enacted, etc., as follows:*

Merchantable  
vinegar.

Section second of chapter three hundred and seven of the acts of the year eighteen hundred and eighty-four is hereby amended so as to read as follows: — All vinegars shall be without artificial coloring matter, and shall have an acidity equivalent to the presence of not less than four and one-half per cent. by weight of absolute acetic acid, and in the case of cider vinegar shall contain in addition not less than two per cent. by weight of cider vinegar solids upon full evaporation over boiling water; and if any vinegar contains any artificial coloring matter or less than the above amount of acidity, or, in the case of cider vinegar, if it contains less than the above amount of acidity or of cider vinegar solids, it shall be deemed to be adulterated within the meaning of this act.

*Approved April 9, 1885.*

### Chap.151

#### AN ACT IN RELATION TO THE LYMAN SCHOOL FOR BOYS.

*Be it enacted, etc., as follows:*

Trustees may  
purchase farm  
in Westborough.

SECTION 1. The trustees of the state primary and reform schools are hereby authorized, with the approval of the governor and council, to purchase the Bela J. Stone farm, so called, in Westborough, for a sum not exceeding fourteen thousand dollars, and to receive a conveyance thereof, to be held by them in trust upon the same conditions and for the same purposes as they now hold the lands in said Westborough now occupied for the purposes of the Lyman School for Boys.

May erect build-  
ings to be known  
and occupied as  
the Lyman  
School for Boys.

SECTION 2. Said trustees may, at an expense not exceeding twenty thousand five hundred dollars, in addition to the fifteen thousand dollars authorized for the purposes of said school by chapter three hundred and twenty-three of the acts of the year eighteen hundred and eighty-four, erect upon said land such buildings as the governor and council shall approve, and when said buildings shall have

been so approved they shall be known and occupied as the Lyman School for Boys. The trustees may remove to said buildings, and may detain therein, all boys now confined in the buildings used and occupied as the Lyman School for Boys, under the sentence of any court, and all boys that may be hereafter committed to said school; and may use and exercise therein the same authority and powers that they now use and exercise in reference to the said school. The removal to the said buildings as herein provided shall not in any way impair the validity of the sentence of any boy so removed, or abridge the authority of the superintendent of said school to detain any boy lawfully committed to said Lyman School for Boys.

Removal not to impair validity of sentence.

SECTION 3. This act shall take effect upon its passage.

*Approved April 9, 1885.*

AN ACT TO INCORPORATE THE COOLEY DICKINSON HOSPITAL.

*Chap. 152*

*Be it enacted, etc., as follows:*

SECTION 1. George W. Hubbard, John Whittelsey and William H. Dickinson, the trustees named in the will of the late Caleb Cooley Dickinson of Hatfield, are hereby made a corporation by the name of The Cooley Dickinson Hospital, and said trustees, their associates and successors in office, shall continue a body corporate for the purposes hereinafter set forth and set forth in said will; with all the powers and privileges and subject to all the duties and liabilities contained in all general laws now or hereafter in force relating to such corporations. And the said Hubbard, Whittelsey and Dickinson shall hold office as the incorporated trustees until their associates, substitutes or successors are chosen in the manner hereinafter provided and shall assume their offices.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation shall have authority to buy and hold real and personal estate to an amount not exceeding two hundred and fifty thousand dollars including all the real and personal estate and the proceeds thereof bequeathed and devised in said will for the establishment and maintenance of a hospital in Northampton, and any and all real and personal estate which may be otherwise given, granted, bequeathed or devised to said corporation for the use and benefit of said hospital.

Real and personal estate not exceeding \$250,000.

SECTION 3. The number of the trustees of said corporation shall never exceed seven; and said corporation may at any legal meeting elect by ballot any citizen of the city

Trustees not to exceed seven.

of Northampton or of either of said towns of Hatfield and Whately to be a member thereof. No person shall continue a member of said corporation after ceasing to be a resident of one of said three places.

Election of  
officers.

SECTION 4. Said corporation may chose and elect such officers as may be required to give effect to the purposes and provisions of said will, and is hereby authorized to accept, execute and perform any and all the other trusts arising under said will which the executors thereof or any special trustee might do.

SECTION 5. This act shall take effect upon its passage.

*Approved April 10, 1885.*

Chap.153

AN ACT TO CONFIRM AND ESTABLISH THE ORGANIZATION OF THE METHODIST EPISCOPAL CHURCH OF GREENFIELD, AND TO CONFIRM ITS TITLE TO CERTAIN REAL ESTATE.

*Be it enacted, etc., as follows:*

Organization  
made valid.

SECTION 1. All the acts and proceedings done towards the organization of the Methodist Episcopal Church of Greenfield in the year eighteen hundred and thirty-four, so far as they are defective and invalid, are hereby made valid, ratified and confirmed.

Trustees de-  
clared to be  
lawful suc-  
cessors of  
grantees  
named in con-  
veyance.

SECTION 2. The trustees of said church, elected at the re-organization thereof on the sixth day of April, A. D. eighteen hundred and sixty-one, and their successors in office, are hereby declared to be and are made the lawful successors of Sidney W. Andrews, Fordyce Hunter, Cyrus Davis, Mertimer Potter and Henry Sheldon, grantees named in a conveyance to them and their successors as trustees of said church, of a certain tract of land therein described, situate on Church Street in said Greenfield, and dated October seventeenth, A. D. eighteen hundred and forty-nine, and duly recorded in the registry of deeds for the county of Franklin; and the title to said tract of land is hereby confirmed to the present board of trustees of said Methodist Episcopal Church and their successors and assigns forever, according to the manifest intention of said deed.

Title confirmed.

SECTION 3. This act shall take effect upon its passage.

*Approved April 10, 1885.*

AN ACT TO AUTHORIZE GEORGE FAULKNER TO MAINTAIN A FLOAT- *Chap.154*  
ING BOAT-HOUSE ON CHARLES RIVER IN THE CITY OF BOSTON.

*Be it enacted, etc., as follows:*

SECTION 1. Permission is hereby given to George Faulkner, of the city of Cambridge, to locate and maintain a floating boat-house on Charles River in the city of Boston, near the Essex Street or Brookline Bridge, so called, outside the harbor line established by law, subject to the approval in writing of the board of harbor and land commissioners and of the mayor and aldermen of the city of Boston as regards the mode of construction and location of said boat-house, the manner of anchoring or securing the same, and the term or terms of time for which the same may be maintained, and to all the provisions of chapter nineteen of the Public Statutes applicable thereto.

May maintain a floating boat-house on Charles River subject to approval, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved April 10, 1885.*

AN ACT TO ESTABLISH THE POLICE COURT OF THE CITY OF *Chap.155*  
BROCKTON.

*Be it enacted, etc., as follows:*

SECTION 1. The city of Brockton and the towns of Bridgewater and West Bridgewater shall constitute a judicial district under the jurisdiction of a court to be called the Police Court of the city of Brockton; said court shall be held in the city of Brockton and shall have a clerk.

Police court.

Clerk.

SECTION 2. There shall be one justice and two special justices of said court, and the said justices and the clerk herein provided for shall be appointed in the manner and with the tenure of office respectively provided in the case of justices and clerks of police courts. All the provisions of law applicable to police and district courts shall be applicable to said court.

One justice and two special justices.

SECTION 3. The justice of said court shall receive from the county of Plymouth an annual salary of sixteen hundred dollars, and the clerk thereof an annual salary of eight hundred dollars.

Salaries.

SECTION 4. The first session of said court shall be held on the first Monday in July in the year eighteen hundred and eighty-five.

First session of court.

SECTION 5. All proceedings which may be pending before the first district court of Plymouth on said first Monday in July shall be transferred to and determined by

Proceedings pending before district court to be transferred.

First district  
court abolished.

the said police court of the city of Brockton, and said first district court of Plymouth shall be abolished from that date, and thereafter all provisions of law specially relating to said first district court shall cease to have effect. Except as above provided nothing in this act shall affect any suit or other proceeding begun prior to said first Monday in July.

SECTION 6. This act shall take effect upon its passage.

*Approved April 10, 1885.*

Chap.156

AN ACT RELATING TO THE SUBDIVISION OF CITIES FOR THE PURPOSE OF TAKING THE DECENNIAL CENSUS.

*Be it enacted, etc., as follows:*

Subdivision of  
cities for pur-  
pose of taking  
the census.

SECTION 1. The mayor and aldermen of any city which has complied with the provisions of section nine of chapter one hundred and eighty-one, acts of eighteen hundred and eighty-four, may divide said city into such subdivisions as may be agreed upon by the mayor and aldermen of said city and the chief of the bureau of statistics of labor, for the purpose of securing an enumeration of inhabitants and legal voters by such subdivisions instead of an enumeration by streets, squares and avenues as provided in said section nine of chapter one hundred and eighty-one, acts of eighteen hundred and eighty-four; and the chief of said bureau shall upon the completion of such enumeration make a report of the results thereof to the clerk of such city, as provided in said section, and for the purpose of aiding such city to make a new division of its wards as provided by law.

SECTION 2. This act shall take effect upon its passage.

*Approved April 13, 1885.*

Chap.157

AN ACT PROVIDING FOR THE IMPROVEMENT OF PUBLIC GROUNDS IN TOWNS.

*Be it enacted, etc., as follows:*

Improvement of  
public places in  
towns by certain  
corporations.

SECTION 1. Any town in the Commonwealth which has public grounds or open spaces in any of its streets, highways or townways which it may have designated or shall hereafter designate as not needed for public travel, may give the improvement thereof to corporations within its limits organized under the provisions of section eighteen of chapter one hundred and fourteen of the Public Statutes. Corporations which have or may hereafter have the improvement of such designated spaces given

them, shall have the use, care and control thereof, and may grade, drain, curb, set out shade or ornamental trees, lay out flower plats, and otherwise improve the same, and may protect their work by suitable fences or railings; subject at all times to such directions as may be given by the selectmen or road commissioners.

SECTION 2. Any person who shall wantonly, maliciously or mischievously drive cattle, horses, mules or other animals, or drive teams, carriages or other vehicles, on or across such grounds or ways designated and given as provided in the preceding section, or shall remove or destroy any fence or railing erected by such corporation on such grounds or ways, or play ball or other games thereon, or otherwise interfere with or damage the work of such corporation, shall be subject to a fine not exceeding twenty dollars for each offence. Penalties.

SECTION 3. All fines recovered for violations of the preceding section shall be paid to the corporation having the care of the property injured by such violation. Fines recovered to be paid to corporation.

SECTION 4. This act shall take effect upon its passage.

*Approved April 13, 1885.*

AN ACT TO FURNISH THE STATE BOARD OF HEALTH, LUNACY AND CHARITY WITH AN OFFICER OF THE DISTRICT POLICE TO COLLECT CERTAIN INFORMATION FOR THE BOARD.

*Chap. 158*

*Be it enacted, etc., as follows:*

The governor may, upon the request of the board of health, lunacy and charity, detail a district police officer for the purpose of procuring and furnishing to the board information relative to the parents and kindred of deserted and unprotected children; and also for the purpose of furnishing necessary evidence with regard to bastardy cases wherein the board becomes by law a party in behalf of the state. District police officer may be detailed to furnish information and evidence.

*Approved April 13, 1885.*

AN ACT PROVIDING FOR THE NOTIFICATION OF ELECTION OF CERTAIN MUNICIPAL OFFICERS.

*Chap. 159*

*Be it enacted, etc., as follows:*

SECTION 1. Any person elected mayor, alderman, common councilman or member of the school committee, at any election held in any city, shall be notified of his election by the board of aldermen; any provision in the charter of any city or any act in amendment thereof to the contrary notwithstanding. To be notified of election by the aldermen.

Notice to be issued within seven days.

SECTION 2. Such notice shall be issued by said board within seven days after the time for declaring the results of such election has expired.

When elected to fill vacancy, not to act until notice issued.

SECTION 3. No person elected to any such office at any special election to fill a vacancy shall be entitled to act in any official capacity as such officer by virtue of said election until such notice has been issued.

SECTION 4. This act shall take effect upon its passage.

*Approved April 13, 1885.*

### Chap. 160

AN ACT EMPOWERING THE WALNUT GROVE CEMETERY CORPORATION OF DANVERS TO HOLD PROPERTY IN TRUST FOR CERTAIN PURPOSES.

*Be it enacted, etc., as follows:*

May hold property for improvement of cemetery.

The Walnut Grove Cemetery Corporation of Danvers may take and hold any grant, donation or bequest of property in trust, to apply the same, or the income thereof, for the improvement or embellishment of its cemetery or any buildings, structures or fences erected or to be erected therein, or for the repair, preservation or renewal of any tomb, monument, gravestone, fence, railing or other erection in or around any lot according to the terms of such grant, donation or bequest or otherwise; and the supreme judicial or superior court shall have power to compel the execution of such trust.

*Approved April 13, 1885.*

### Chap. 161

AN ACT RELATING TO THE PURCHASE AND SALE OF BOOKS BY SCHOOL COMMITTEES.

*Be it enacted, etc., as follows:*

Repeal of P. S. 44, § 35-44.

SECTION 1. Sections thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine and forty of chapter forty-four of the Public Statutes, relating to the purchase and sale of books by school committees, are hereby repealed.

Apparatus and books of reference in schools.

SECTION 2. School committees may procure, at the expense of the city or town, in accordance with appropriations therefor previously made, such apparatus, books of reference, and other means of illustration as they deem necessary for the schools under their supervision.

SECTION 3. This act shall take effect upon its passage.

*Approved April 13, 1885.*

AN ACT TO PROVIDE FOR THE RETIREMENT OF JUSTICES OF THE SUPREME JUDICIAL COURT AND FOR THEIR COMPENSATION IN CERTAIN CASES. *Chap.162*

*Be it enacted, etc., as follows :*

Any justice of the supreme judicial court after having held his commission as such at least ten consecutive years and having attained the age of seventy years, who shall resign his office, shall during the residue of his natural life receive three-fourths of the salary which was by law payable to him at the time of his resignation, to be paid from the treasury of the Commonwealth in the same manner as the salaries of acting justices are paid.

Retirement of justices of the supreme judicial court.

*Approved April 14, 1885.*

AN ACT RELATING TO PUBLIC PARKS AND SHADE TREES IN THE CITY OF WORCESTER. *Chap.163*

*Be it enacted, etc., as follows :*

SECTION 1. The board of park commissioners of the city of Worcester, in addition to the powers conferred by the one hundred and fifty-fourth chapter of the acts of the year eighteen hundred and eighty-two, shall have and exercise all the powers, and be subject to all the duties, heretofore pertaining to the board of commissioners of public grounds and shade trees provided for in chapter one hundred and ninety-nine of the acts of the year eighteen hundred and sixty-six, except as herein otherwise provided.

Park commissioners to have powers, etc., of commissioners of public grounds.

SECTION 2. The powers and duties of said board of park commissioners, enumerated in the acts of eighteen hundred and eighty-two, chapter one hundred and fifty-four, shall extend and apply to all public grounds and parks of said city, acquired before this act takes effect, except that said board of park commissioners shall have no authority to assess betterments in respect to any park or public grounds acquired before this act takes effect.

Powers to extend to all public grounds in city.

SECTION 3. Said board of park commissioners may be organized by the choice of a chairman and secretary from their own number, and a major part of said board shall constitute a quorum for the transaction of business.

Organization of board.

SECTION 4. The annual report provided for in the twelfth section of chapter one hundred and fifty-four of the acts of eighteen hundred and eighty-two, and in the

Annual report.

twenty-first section of chapter one hundred and ninety-nine of the acts of eighteen hundred and sixty-six, shall be made in the month of March.

Repeal.

SECTION 5. Section twenty-one of chapter one hundred and ninety-nine of the acts of eighteen hundred and sixty-six is hereby repealed.

To take effect  
May 1, 1885.

SECTION 6. This act shall take effect on the first day of May eighteen hundred and eighty-five.

*Approved April 14, 1885.*

**Chap. 164** AN ACT CONCERNING THE COMPENSATION OF THE ACCOUNTANT OF  
THE BOARD OF RAILROAD COMMISSIONERS.

*Be it enacted, etc., as follows:*

Compensation  
of accountant.

SECTION 1. The board of railroad commissioners may allow as compensation to the accountant, authorized by section eleven of chapter one hundred and twelve of the Public Statutes, a sum not exceeding twenty-five hundred dollars per year.

Repeal.

SECTION 2. So much of section ten of said chapter one hundred and twelve as is inconsistent with this act is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

*Approved April 14, 1885.*

**Chap. 165** AN ACT TO ESTABLISH THE SALARY OF THE JUDGE OF PROBATE  
AND INSOLVENCY FOR THE COUNTY OF BRISTOL.

*Be it enacted, etc., as follows:*

Salary estab-  
lished.

SECTION 1. The annual salary of the judge of probate and insolvency for the county of Bristol shall be two thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved April 14, 1885.*

**Chap. 166** AN ACT TO INCORPORATE THE GREYLOCK PARK ASSOCIATION.

*Be it enacted, etc., as follows:*

Corporators.

SECTION 1. George B. Perry, Oliver Ames, William L. Brown, Franklin Carter, Albert C. Houghton, William B. Plunkett, James C. Chalmers, Edward D. Griffin, Foster E. Swift, Austin Bond, Augustus W. Locke, James H. Flagg, their associates and successors, are hereby made a corporation by the name of the Greylock Park Association, for the purpose of laying out a public

Name and pur-  
pose.

park upon Greylock Mountain in the towns of Adams, North Adams and Williamstown, and such public roads as may be necessary to obtain access to the same; and said corporation shall have all the powers and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

Powers and duties.

SECTION 2. The said corporation for the purposes aforesaid may take, by purchase or otherwise, and hold lands within the limits of the towns of Adams, North Adams and Williamstown, or either of said towns, not exceeding six hundred acres in the aggregate, and also all lands, rights of way and easements necessary for obtaining access to the same; and may erect on the land thus taken or held observatories, public houses and other structures, and may lay out and build public roads and driveways upon the land thus taken or held.

May take lands for a public park, etc.

SECTION 3. The said corporation shall within sixty days after the taking of any lands, rights of way or easements as aforesaid, otherwise than by purchase, file and cause to be recorded, in the registry of deeds for the county and district within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

Description of the land taken, to be recorded in the registry of deeds.

SECTION 4. The said corporation shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, easement, or by any other thing done by said corporation under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years.

Payment of damages.

SECTION 5. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in value the sum of ten thousand dollars; and the whole capital stock of said corporation shall not exceed twenty

Real estate.

Capital stock  
and shares.

thousand dollars, to be divided into shares of twenty-five dollars each.

Penalty for in-  
juring property.

SECTION 6. Whoever wilfully or wantonly injures any structure, work or other property owned, held or used by said corporation, under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

May issue bonds  
and secure by  
mortgage.

SECTION 7. The said corporation may issue bonds and secure the same by a mortgage on its franchise and other property to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

*Approved April 15, 1885.*

### Chap.167

AN ACT IN RELATION TO THE BONDS OF PUBLIC WAREHOUSEMEN.

*Be it enacted, etc., as follows:*

Bond in amount  
and with such  
sureties, as shall  
be approved by  
the governor.

Section two of chapter seventy-two of the Public Statutes is hereby amended by striking out the words "with sufficient sureties," in the third line thereof and inserting instead thereof the words "in such amount and with such sureties as shall be," so that the same shall read as follows:— Every person and corporation licensed under the preceding section shall give bond to the treasurer of the Commonwealth in such amount and with such sureties as shall be approved by the governor, for the faithful discharge of the duties of a public warehouseman; except that a railroad corporation so licensed shall not be required to give any sureties on its bond.

*Approved April 15, 1885.*

### Chap.168

AN ACT TO ESTABLISH THE SALARY OF THE DISTRICT ATTORNEY FOR THE MIDDLE DISTRICT.

*Be it enacted, etc., as follows:*

Salary estab-  
lished.

SECTION 1. The annual salary of the district attorney for the middle district shall hereafter be twenty-one hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved April 16, 1885.*

AN ACT EXEMPTING FROM TAXATION THE PROPERTY OF CERTAIN PERSONS THOUGH OWNED BY SUCH PERSONS JOINTLY WITH OTHERS. *Chap. 169*

*Be it enacted, etc., as follows:*

SECTION 1. The tenth clause of section five of chapter eleven of the Public Statutes is hereby amended so as to read as follows: —

Taxation of property owned jointly with others.

*Tenth*, The property, to the amount of five hundred dollars, of a widow or unmarried woman above the age of twenty-one years, of any person above the age of seventy-five years, and of any minor whose father is deceased, whether such property be owned by such person separately, or jointly or as tenant in common with another or others: *provided*, that the whole estate real and personal of such person does not exceed in value the sum of one thousand dollars exclusive of property otherwise exempted under the provisions of this section; *and provided, further*, that no property shall be so exempted which in the judgment of the assessors has been conveyed to such person for the purpose of evading taxation. A person aggrieved by such judgment may appeal to the county commissioners within the time and in the manner allowed by law for an appeal in respect of the abatement of taxes.

Provisos.

SECTION 2. This act shall take effect upon its passage.

*Approved April 16, 1885.*

AN ACT TO PROVIDE FOR A CHAPEL, STORAGE ROOM AND WORK-SHOP AT THE HOUSE OF CORRECTION AT CAMBRIDGE. *Chap. 170*

*Be it enacted, etc., as follows:*

SECTION 1. The county commissioners of the county of Middlesex are hereby authorized and required to enlarge the building now used as a boiler-house and stable at the house of correction at Cambridge, in said county, by adding two stories, for chapel, storage room and workshop, and extending the same to the public street on the northerly side of the yard of said house of correction.

Commissioners to enlarge a building at house of correction at Cambridge.

SECTION 2. Said commissioners may expend for said purpose a sum not exceeding fourteen thousand dollars, the same to be paid from the county treasury, and to be raised by taxation the current year: *provided, however*, that no expenditure shall be made under this act until said commissioners have obtained estimates from competent experts, showing that the sum necessary for the comple-

May expend \$14,000, to be raised by taxation the current year.

tion of the work, exclusive of such convict labor as may be used, will not exceed fourteen thousand dollars.

May employ  
convicts.

SECTION 3. In carrying out the provisions of this act said commissioners may employ the convicts held in said house of correction, and shall not be required to let out by contract the labor on said building, nor to advertise for proposals as provided in section twenty-two of chapter twenty-two of the Public Statutes.

SECTION 4. This act shall take effect upon its passage.

*Approved April 16, 1885.*

*Chap. 171* AN ACT CHANGING THE BOUNDARY LINE BETWEEN THE TOWN OF QUINCY AND THE TOWN OF MILTON IN NORFOLK COUNTY.

*Be it enacted, etc., as follows:*

Boundary line  
established.

SECTION 1. The boundary line heretofore existing between the town of Quincy and the town of Milton is hereby changed and established as provided in section two.

Description of  
the line between  
Quincy and Mil-  
ton.

SECTION 2. Commencing at a stone bound post standing in the northerly line of Beale Street at a point distant two hundred and forty feet westerly from the southeast corner of land of N. H. Beale; thence easterly following the northerly line of Beale Street a distance of four hundred and eight and five-tenths feet to a stone bound post standing in the present boundary line between the towns of Quincy and Milton. All the land to the south of the northerly line of Beale Street lying between the said stone bound posts is hereby set off from the town of Milton to the town of Quincy. Continuing from the last mentioned stone bound post on Beale Street the new boundary line shall run north thirty-four degrees twenty minutes west (magnetic), following the present dividing lines between said towns a distance of two thousand seven hundred and ninety-five and three-tenths feet to a stone bound post; thence by the same course a distance of one thousand and twenty-nine and five-tenths feet to the southerly line of Squantum Street; thence running in a northerly and easterly direction following the easterly line of said Squantum Street about seven hundred and twenty feet to a stone bound post, standing on the southeasterly line of said street; thence running north six degrees eight minutes east (magnetic) a distance of three thousand and fifty-one feet, to the northwest corner of the stone wharf at Nepon-

set River owned by one Faulkner; thence by the same course to the centre of the channel of said river. All the land on the easterly side of said line is hereby set off from the town of Milton to the town of Quincy, and all land on the westerly side of said line is hereby set off from the town of Quincy to the town of Milton.

SECTION 3. This act shall take effect upon its passage.

*Approved April 16, 1885.*

AN ACT AMENDING THE CHARTER OF THE LYNN AND BOSTON  
RAILROAD COMPANY.

*Chap. 172*

*Be it enacted, etc., as follows:*

SECTION 1. Section four of chapter one hundred and fifty-two of the acts of the year eighteen hundred and eighty-one is hereby amended by inserting after the words "the towns of" the word "Nahant."

Charter  
amended.

SECTION 2. The time of locating and constructing the track of the said Lynn and Boston Railroad Company in said town of Nahant is limited to two years from the passage of this act.

Construction to  
be completed  
within two  
years.

SECTION 3. This act shall take effect upon its passage.

*Approved April 16, 1885.*

AN ACT EXTENDING THE STATE AID LAWS TO THE THREE MONTHS  
TROOPS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-ONE.

*Chap. 173*

*Be it enacted, etc., as follows:*

SECTION 1. All soldiers who were members of the regiments and organizations of Massachusetts militia known as the three months troops, viz. : — the third, fourth, fifth, sixth and eighth regiments of infantry, the third battalion of infantry, and the first battery of light artillery, who were mustered into the United States service in eighteen hundred and sixty-one, shall be deemed to have served to the credit of Massachusetts, and are hereby made eligible to receive state or military aid under the conditions, provisions and limitation contained in chapter thirty of the Public Statutes.

State and mili-  
tary aid ex-  
tended to the  
three months  
troops.

SECTION 2. This act shall take effect upon its passage.

*Approved April 17, 1885.*

*Chap. 174* AN ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE  
PRESENT YEAR.

*Be it enacted, etc., as follows:*

**Appropriations.** SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, to wit: —

**Civil service commissioners.** For providing rooms for the use of the civil service commissioners, a sum not exceeding thirteen hundred dollars, as authorized by chapter two of the resolves of the present year.

**List of members.** For printing a book containing a list of members, rules and notes of rulings for the use of members of the present legislature, three hundred and two dollars and seventy-six cents, as authorized by chapter three of the resolves of the present year.

**Report on records, etc., in secretary's office.** For printing the report of the commissioners upon the records, files, papers and documents in the department of the secretary of the Commonwealth, two hundred and thirty-eight dollars and seventy-two cents, as authorized by chapter four of the resolves of the present year.

**Survey and map of the state.** For providing rooms for the commission appointed to prepare and complete a topographical survey and map of Massachusetts, a sum not exceeding eight hundred dollars, as authorized by chapter five of the resolves of the present year.

**Eye and Ear Infirmary.** For the Massachusetts charitable eye and ear infirmary, ten thousand dollars, as authorized by chapter six of the resolves of the present year.

**Agricultural college.** For printing additional copies of the report of the trustees of the agricultural college, ninety-seven dollars and seventy-one cents, as authorized by chapter seven of the resolves of the present year.

**Town of Newbury.** For the town of Newbury, two hundred and forty dollars and fifty cents, as authorized by chapter eight of the resolves of the present year.

**Report of secretary of board of agriculture.** For printing extra copies of the thirty-second annual report of the secretary of the Massachusetts board of agriculture, a sum not exceeding one thousand dollars, as authorized by chapter eleven of the resolves of the present year.

**Louis J. B. Marshall.** For Louis J. B. Marshall, three hundred dollars, as authorized by chapter fourteen of the resolves of the present year.

For printing extra copies of the manual of the present year, a sum not exceeding nine hundred and fifty dollars, as authorized by chapter fifteen of the resolves of the present year. Manual.

For William J. Balmer, one hundred dollars, as authorized by chapter sixteen of the resolves of the present year. William J. Balmer.

To carry out the provisions of the resolve in relation to public records of parishes, towns and counties, a sum not exceeding five hundred dollars, as authorized by chapter nineteen of the resolves of the present year. Records of parishes, etc.

For the trustees of the Massachusetts soldiers' home in Chelsea, fifteen thousand dollars, as authorized by chapter twenty-one of the resolves of the present year. Soldiers' Home.

For Ellen Madigan of North Adams, seventy-five dollars, as authorized by chapter twenty-two of the resolves of the present year. Ellen Madigan.

For furnishing a water supply at the state workhouse at Bridgewater, a sum not exceeding seven thousand dollars, as authorized by chapter twenty-three of the resolves of the present year. Water supply at state workhouse.

For the purchase of military clothing for the militia, a sum not exceeding eighty-four thousand dollars, as authorized by chapter twenty-six of the resolves of the present year. Clothing for the militia.

For continuing the preparation for publication and for the publication of the provincial laws, a sum not exceeding ten thousand nine hundred and five dollars, as authorized by chapter twenty-seven of the resolves of the present year. Provincial laws.

For providing new steam boilers, and for certain improvements and repairs at the state almshouse at Tewksbury, a sum not exceeding eleven thousand five hundred dollars, as authorized by chapter twenty-eight of the resolves of the present year. Repairs at state almshouse.

For the determination by triangulation of the boundary lines of the cities and towns of the Commonwealth, a sum not exceeding three thousand dollars, as authorized by chapter twenty-nine of the resolves of the present year. Boundary lines of cities and towns.

For additional clerical assistance in the office of the treasurer and receiver-general, a sum not exceeding one thousand dollars, as authorized by chapter fifteen of the acts of the present year. Treasury, clerical assistance.

Commissioners  
of prisons, cler-  
ical assistance.

For clerical assistance in the office of the commissioners of prisons, a sum not exceeding one thousand dollars, as authorized by chapter fifty-two of the acts of the present year; being in addition to the seven hundred dollars appropriated by chapter thirteen of the acts of the present year.

Private secre-  
tary of the gov-  
ernor.

For the salary of the private secretary of the governor, five hundred dollars, as authorized by chapter seventy-seven of the acts of the present year; being in addition to the fifteen hundred dollars appropriated by chapter three of the acts of the present year.

Secretary's  
office, first  
clerk.

For the salary of the first clerk in the office of the secretary of the Commonwealth, two hundred dollars, as authorized by chapter eighty-seven of the acts of the present year; being in addition to the eighteen hundred dollars appropriated by chapter three of the acts of the present year.

SECTION 2. This act shall take effect upon its passage.

*Approved April 17, 1885.*

**Chap.175** AN ACT TO PROVIDE FOR THE ENLARGEMENT OF THE JAIL AT  
LOWELL.

*Be it enacted, etc., as follows:*

Commissioners  
to enlarge jail at  
Lowell.

SECTION 1. The county commissioners of the county of Middlesex are hereby authorized and required to enlarge the jail at Lowell, in said county, by making an addition of fifty feet to the wing occupied by women. The outside of said addition shall conform in style of architecture to the present structure, and the inside shall be built upon a plan to be approved by the commissioners of prisons. The work herein authorized shall be completed within one year from the passage of this act.

May expend  
\$25,000, to be  
raised by tax-  
ation.

SECTION 2. Said county commissioners may expend for said purpose a sum not exceeding twenty-five thousand dollars, the same to be paid from the county treasury of said county and to be raised by taxation the current year.

May employ  
convicts.

SECTION 3. In carrying out the provisions of this act said county commissioners may employ the convicts held in said jail, and shall not be required to let out by contract the labor on said building, nor to advertise for proposals as provided in section twenty-two of chapter twenty-two of the Public Statutes.

SECTION 4. This act shall take effect upon its passage.

*Approved April 17, 1885.*

AN ACT IN RELATION TO THE BETTER PROTECTION OF WIVES AND CHILDREN. *Chap. 176*

*Be it enacted, etc., as follows:*

SECTION 1. Section four of chapter two hundred and seventy of the acts of the year eighteen hundred and eighty-two is hereby amended so as to read as follows:—  
Whoever unreasonably neglects to provide for the support of his wife or minor child shall be punished by fine not exceeding twenty dollars or by imprisonment in the house of correction not exceeding six months. All fines imposed under this section may in the discretion of the court be paid in whole or in part to the town, city, corporation, society or person actually supporting such wife or minor child at the time of making the complaint.

Penalties for not supporting wife or minor child.

SECTION 2. This act shall take effect upon its passage.

*Approved April 17, 1885.*

AN ACT TO INCORPORATE THE ORTHODOX CONGREGATIONAL CHURCH IN ASHBY. *Chap. 177*

*Be it enacted, etc., as follows:*

SECTION 1. F. W. Wright, J. W. Piper, Charles O. Green, P. A. Hayward, A. J. Hubbard, C. F. Hayward and J. H. Hayward, and all other members of the Orthodox Congregational Church in Ashby, and their successors as members of said church, are hereby made a corporation, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to religious societies.

Corporators.

Powers and duties.

SECTION 2. Said corporation shall be called the Orthodox Congregational Church in Ashby.

Name.

SECTION 3. Said corporation may hold real and personal estate to an amount not exceeding fifteen thousand dollars for parochial and religious purposes.

Real and personal estate.

SECTION 4. This act shall take effect upon its passage.

*Approved April 17, 1885.*

AN ACT TO LIMIT THE MUNICIPAL DEBT OF AND THE RATE OF TAXATION IN THE CITY OF BOSTON. *Chap. 178*

*Be it enacted, etc., as follows:*

SECTION 1. The taxes assessed on property in the city of Boston exclusive of the state tax and of the sums required by law to be raised on account of the city debt

Tax rate limited.

shall not exceed in any year nine dollars on every one thousand dollars of the average of the assessors' valuations of the taxable property therein for the preceding five years, the valuation for each year being first reduced by the amount of all abatements allowed thereon previous to the thirty-first day of December in the year preceding said assessment. Any order or appropriation requiring a larger assessment than herein first above limited shall be void.

Indebtedness limited.

SECTION 2. The limit of indebtedness of the city of Boston shall hereafter be two and one-half per cent. up to and until the first day of January in the year eighteen hundred and eighty-seven and thereafter shall be two per cent. on the average valuation prescribed in section one of this act, instead of three per cent. on the last preceding valuation as provided in section four of chapter twenty-nine of the Public Statutes.

Injunctions may issue to enforce or prevent violation of provisions of this act.

SECTION 3. Any court or justice having equity jurisdiction, sitting in the county of Suffolk shall, upon the application of the mayor or of ten taxable inhabitants of the city, at all times, whether in term time or vacation, have power to issue injunctions mandatory or otherwise, decrees, or other process against the city council or otherwise, which such court or justice may think needful to enforce the provisions of this act or to prevent the violation thereof.

SECTION 4. This act shall take effect upon its passage.

*Approved April 17, 1885.*

**Chap.179** AN ACT MAKING APPROPRIATIONS FOR THE PURCHASE OF LAND AND FOR THE ERECTION OF NEW BUILDINGS FOR THE LYMAN SCHOOL FOR BOYS AT WESTBOROUGH.

*Be it enacted, etc., as follows :*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified in chapter one hundred and fifty-one of the acts of the present year, to wit : —

Bela J. Stone farm.

For the purchase of the Bela J. Stone farm, so called, in the town of Westborough, a sum not exceeding fourteen thousand dollars.

Erection of buildings.

For the erection of such buildings upon said land as the governor and council shall approve, a sum not exceeding twenty thousand five hundred dollars, being in addition to

the fifteen thousand dollars appropriated by chapter three hundred and thirty-two of the acts of the year eighteen hundred and eighty-four.

SECTION 2. This act shall take effect upon its passage.

*Approved April 20, 1885.*

AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE SECOND DISTRICT COURT OF EASTERN MIDDLESEX.

*Chap. 180*

*Be it enacted, etc., as follows:*

SECTION 1. The clerk of the second district court of Eastern Middlesex shall receive an annual salary of six hundred dollars, beginning with the first day of January eighteen hundred and eighty-five. Salary of clerk.

SECTION 2. This act shall take effect upon its passage.

*Approved April 20, 1885.*

AN ACT TO AMEND THE CHARTER OF THE FRAMINGHAM WATER COMPANY, AND TO AUTHORIZE IT TO MORTGAGE ITS FRANCHISE AND OTHER PROPERTY TO SECURE ITS BONDS.

*Chap. 181*

*Be it enacted, etc., as follows:*

SECTION 1. Section five of chapter two hundred and seventy-one of the acts of the year eighteen hundred and eighty-four is hereby amended so as to read as follows:—

*Section 5.* The capital stock of said corporation shall not exceed two hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each, and said corporation may at any time issue bonds, and secure the same by a mortgage on its franchise and other property, to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation. Charter amended, 1871, 571, §5.  
Capital stock, shares and bonds.

SECTION 2. This act shall take effect upon its passage.

*Approved April 20, 1885.*

AN ACT AUTHORIZING THE TAKING OF A CERTAIN PORTION OF THE BURIAL GROUND OF THE NORTH WEYMOUTH CEMETERY ASSOCIATION.

*Chap. 182*

*Be it enacted, etc., as follows:*

The county commissioners of the county of Norfolk, or the selectmen of the town of Weymouth, are hereby authorized to take, by purchase or in accordance with the provisions of law allowing land to be taken for the laying out or alteration of highways or townways, so much of Land of burial place in Weymouth may be taken for highways.

Proviso.

the land now embraced within the limits of the burial ground of the North Weymouth Cemetery Association as may be necessary for the purpose of widening and straightening North Street in said Weymouth: *provided*, that no tomb or burial lot in which are buried the remains of the dead shall be entered upon under the provisions of this act until such remains shall have been removed to such other burial lot as the trustees of said cemetery association may designate, without expense to the owner of such tomb or burial lot.

*Approved April 20, 1885.*

**Chap. 183** AN ACT RELATING TO LIFE AND CASUALTY INSURANCE ON THE ASSESSMENT PLAN.

*Be it enacted, etc., as follows:*

Contract of insurance on the assessment plan.

SECTION 1. Every contract whereby a benefit is to accrue to a party or parties named therein upon the death or physical disability of a person, which benefit is in any degree or manner conditioned upon the collection of an assessment upon persons holding similar contracts, shall be deemed a contract of insurance on the assessment plan, and the business involving the issuance of such contracts shall be carried on in this Commonwealth only by duly organized corporations, which shall be subject to the provisions and requirements of this act; but nothing herein contained shall be construed as applicable to organizations which conduct their business as fraternal societies, on the lodge system, or to organizations which do not employ paid agents in soliciting business, or limit their certificate holders to a particular order or fraternity, or to the employees of a particular town or city, designated firm, business house or corporation; or to organizations which are unincorporated and limit the amount of every certificate issued to a maximum amount not exceeding five hundred dollars on any one risk. If the benefit is to accrue through the death of the insured person, the contract shall be of life insurance; if through the accidental death only, or the physical disability from accident or sickness of the insured, it shall be of casualty insurance.

Life insurance.

Casualty insurance.

Seven or more persons may form a corporation.

SECTION 2. Seven or more persons, citizens of this Commonwealth, may form a corporation to carry on the business of life or casualty insurance, or both, on the assessment plan. Such agreement and the proceedings thereunder shall conform to sections three, four and five of chapter one hundred and fifteen of the Public Statutes;

but no such corporation shall begin to do business until at least two hundred persons have subscribed in writing to be insured therein, and have each paid in one full mortuary assessment, to be held in trust for the benefit of the beneficiaries, nor until the insurance commissioner has certified that it has complied with the provisions of this act and is authorized to transact business. No charter granted under the provisions of this act shall continue valid after one year from date, unless the organization has been completed and business begun thereunder.

May begin business when 200 persons have subscribed to be insured.

SECTION 3. Any corporation existing under the laws of this Commonwealth and now engaged in transacting the business of life or casualty insurance on the assessment plan, may re-incorporate under the provisions of this act in the manner set forth in section thirteen of chapter one hundred and fifteen of the Public Statutes: *provided*, that nothing in this act contained shall be construed as requiring or making it obligatory upon any such corporation to re-incorporate, and any such corporation may continue to exercise all rights, powers and privileges conferred by this act or its articles of incorporation not inconsistent herewith, the same as if re-incorporated hereunder.

Life and casualty insurance companies on assessment plan may re-incorporate.

SECTION 4. When the insurance commissioner, on investigation, is satisfied that any corporation, doing business in this Commonwealth under this act, has exceeded its powers, failed to comply with any provision of law, or is conducting business fraudulently, he shall report the facts to the attorney-general, who shall thereupon apply to a justice of the supreme judicial court for an injunction restraining such corporation from the further prosecution of business; and the said justice, upon hearing the matter, may issue such injunction, or decree the removal of any officer, and substitute a suitable person to serve in his stead until a successor is duly chosen, and may make such other order and decrees as the interests of the corporation and the public may require.

May be restrained by injunction from doing business unlawfully.

SECTION 5. Every policy or certificate hereafter issued by any corporation doing business under this act, and promising a payment to be made upon a contingency of death, sickness or accident, shall specify the sum of money which it promises to pay upon each contingency insured against, and the number of days after satisfactory proof of the happening of such contingency at which such payment shall be made; and upon the occurrence of such

Amount to be paid in case of loss, etc., to be specified in policy.

contingency, unless the contract shall have been voided by fraud, or by breach of its conditions, the corporation shall be obligated to the beneficiary for such payment at the time and to the amount specified in the policy or certificate; and this indebtedness shall be a lien upon all the property, effects and bills receivable of the corporation, with priority over all indebtedness thereafter incurred, except as hereinafter provided in case of the distribution of assets of an insolvent corporation. If the insurance commissioner shall be satisfied, on investigation, that any such corporation has refused or failed to make such payment for thirty days after it became due, and after proper demand, he shall notify the corporation to issue no new policies or certificates until such indebtedness is fully paid; and no officer or agent of the corporation shall make, sign or issue any policy or certificate of insurance, while such notice is in force.

May be notified not to issue any policy after payment is withheld, etc.

Condition to be investigated without delay after notice has been given.

Business may be closed and receiver appointed.

Provisos.

Re-insurance of risks.

SECTION 6. Whenever the insurance commissioner shall have given the notice required by the last section, he shall proceed without delay to investigate the condition of the corporation, and shall have full power, in person or by deputy, to examine its books, papers and accounts, and to examine under oath its officers, agents, clerks and certificate holders, or other persons having knowledge of its business; and if it shall appear to him that its liabilities exceed its resources, and that it cannot within a reasonable time, not more than three months from the date of the original default, pay its accrued indebtedness in full, he shall report the facts to the attorney-general, who shall, upon the commissioner's report, apply to a justice of the supreme judicial court for an order closing the business of the corporation, and appointing a receiver or trustee for the distribution of its assets among creditors: *provided*, that no such final order shall be made until the corporation shall have had ten days' notice of the application and an opportunity to be heard; *and provided*, that upon hearing the matter the court shall have power to make any order which the interests of the corporation and the public may require.

SECTION 7. No corporation organized under the laws of this state shall transfer its risks to, or re-insure them in, any other corporation, unless the said contract of transfer or re-insurance is first submitted to and approved by a two-thirds vote of a meeting of the insured called to con-

sider the same, of which meeting a written or printed notice shall be mailed to each policy or certificate holder at least ten days before the day fixed for said meeting; and in case said transfer, or re-insurance shall be approved, every policy or certificate holder of the said corporation who shall file with the secretary thereof, within five days after said meeting, written notice of his preference to be transferred to some other corporation than that named in the contract, shall be accorded all the rights and privileges, if any, in aid of such transfer as would have been accorded under the terms of the said contract had he been transferred to the corporation named therein. The members of any corporation other than those which are purely mutual, whose management shall refuse or neglect, for a space of thirty days after the filing of a satisfactory proof of the death of any certificate or policy holder, where the claim so arising is not disputed on account of fraud or want of validity, and where the death-fund is not sufficient to pay said claim, to levy an assessment to provide for the same, shall thereby become liable to the beneficiary under said certificate or policy in a sum not exceeding the face of said claim.

Liability of members of any corporation other than those which are purely mutual.

SECTION 8. Corporations organized or doing business under this act shall provide, in their contracts with policy or certificate holders, for the accumulation of an emergency fund, which shall be, at all times, not less than the proceeds of one death assessment on all policy or certificate holders thereof; said fund shall be accumulated by existing corporations within six months from the passage of this act, by all others within six months from the date of their incorporation, and, together with the income thereon, shall be a trust for the payment of death or disability claims, and shall be invested in securities in which insurance companies are allowed by law to invest their capital. These securities shall be deposited in trust with the treasurer of the Commonwealth, but the corporation shall have, at all times, the right to exchange any part of said securities for others of a like amount and character. Any portion of said securities may be drawn by a requisition, signed by two-thirds of the directors and endorsed by the insurance commissioner, setting forth that the same is to be used for the purposes of said trust. When any such corporation shall discontinue business, any justice of the supreme judicial court may appoint a

Emergency fund to be accumulated and invested.

Securities to be deposited with the treasurer and receiver-general.

Receiver to be appointed when ceasing to do business.

receiver or agent to administer any unexhausted portion of said fund, which shall be used, less such compensation, not to exceed five per cent., as such court or justice may allow the receiver or agent, first, in the payment of accrued claims upon certificates or policies, or if insufficient to pay such claims in full they shall be paid *pro rata*; second, if a balance remain, in the payment of such claims thereafter accruing in the order of their occurrence.

Copies of charters of foreign companies to be deposited with commissioner.

Certificate that companies are legally entitled to do business.

Accumulation of fund.

Authority to do business.

Revocation of authority.

SECTION 9. Any corporation organized under authority of another state or government to issue policies or certificates of life or casualty insurance on the assessment plan, as a condition precedent to transacting business in this state, shall deposit with the insurance commissioner a certified copy of its charter; a statement, under oath of its president and secretary, in the form by the insurance commissioner required, of its business for the preceding year; a certificate, under oath of its president and secretary, that it is paying, and for the twelve months then next preceding has paid, the maximum amount named in its policies or certificates in full; a certificate from the proper authority in its home state that corporations of this Commonwealth, engaged according to the provisions of this act in life or casualty insurance on the assessment plan, are legally entitled to do business in such state; a copy of its policy or certificate and application, which must show that benefits are provided for by assessment upon policy or certificate holders; evidence satisfactory to the insurance commissioner that the corporation accumulates a fund, equal in amount to that required by section eight of this act, that such accumulation is permitted by the law of its incorporation, and is a trust for the benefit of policy or certificate holders only, and is securely invested. Every such corporation shall also comply with the requirements of section two hundred and two, chapter one hundred and nineteen of the Public Statutes. The insurance commissioner shall thereupon issue or renew the authority of such corporation to do business in this Commonwealth, and such authority shall be revoked whenever the insurance commissioner, on investigation, is satisfied that such corporation is not paying the maximum amount named in its policies or certificates in full. Upon such revocation the commissioner shall cause notice thereof to be published in the newspaper in which the general laws are published, and

no new business shall be thereafter done by it or its agents in this Commonwealth. When any other state or country shall impose any obligation upon any such corporation of this state, the like obligation shall be imposed on similar corporations and their agents of such state or country doing business in this state.

Obligations imposed upon foreign companies.

SECTION 10. No corporation doing business under this act shall issue a certificate or policy upon the life of any person more than sixty years of age, nor upon any life in which the beneficiary named has no interest, and every call for payments by the policy or certificate holders shall distinctly state the purpose of the same, and whether any part thereof shall or may be used for expenses, and if so how much. Any assignment of a policy or certificate to a person having no interest in the insured life shall render such policy or certificate void.

Not to insure person of over sixty years, nor when beneficiary named has no interest.

SECTION 11. The money or other benefit, charity, relief or aid to be paid, provided or rendered by any corporation authorized to do business under this act, shall not be liable to attachment by trustee or other process, and shall not be seized, taken, appropriated or applied by any legal or equitable process, nor by operation of law, to pay any debt or liability of a policy or certificate holder, or any beneficiary named therein.

Benefit not liable to attachment.

SECTION 12. Any solicitor, agent or examining physician, who shall knowingly or wilfully make any false or fraudulent statement or representation in or with reference to any application for insurance, or for the purpose of obtaining any money or benefit, in any corporation transacting business under this act, shall be guilty of a misdemeanor; and, upon conviction, shall be punished by a fine of not less than one hundred or more than five hundred dollars, or imprisonment in the county jail for not less than thirty days or more than one year, or both, at the discretion of the court.

Penalty on agent, etc., for making false statement.

SECTION 13. Every corporation doing business under this act shall annually, on or before the first day of March, return to the insurance commissioner, in such manner and form as he shall prescribe, a statement of its affairs for the year ending on the preceding thirty-first day of December, and the said commissioner, in person or by deputy, shall have the powers of visitation of and examination into the affairs of any such corporation which are conferred upon him in the case of life insurance com-

To make annual report to insurance commissioner.

panies by chapter one hundred and nineteen of the Public Statutes : *provided, always*, that nothing herein contained shall subject any corporation doing business under this act to any other provisions or requirements of said chapter one hundred and nineteen, except as distinctly set forth herein.

Fees. SECTION 14. The fees for filing statements, certificates or other documents required by this act, or for any service or act of the insurance commissioner, and the penalties for any violation of this act, shall be the same as provided in the case of life insurance companies by chapter one hundred and nineteen of the Public Statutes.

*Approved April 21, 1885.*

*Chap. 184* AN ACT TO DEFINE AND ESTABLISH THE BOUNDARY LINE BETWEEN  
THE TOWNS OF HANOVER AND PEMBROKE.

*Be it enacted, etc., as follows :*

Boundary line  
between Han-  
over and Pem-  
broke.

SECTION 1. The boundary line between the towns of Hanover and Pembroke, near the tack factory of L. C. Waterman & Sons, is hereby defined and established as follows :—Beginning upon the present boundary line at a point in the pond bearing south twenty-five degrees west, and twenty-five feet distant from a copper bolt imbedded in a rock on the northerly border of said pond, and running thence in a straight line south fifty-seven degrees twenty-eight minutes east, one hundred and forty and five-tenths feet to a point on the rolling dam forty feet southerly from a stone monument located in the range of the southerly end of the tack factory aforesaid, and fourteen and five-tenths feet westerly from the southwest corner thereof; thence running north forty-seven degrees thirty-one minutes east, one hundred and fifty-eight feet to a point upon the present boundary line in the stream forty feet distant from a stone monument on the northerly bank of said stream and south twenty-one degrees east therefrom. All the territory in said towns lying southerly from the above described line shall be and remain in the town of Pembroke, and all the territory lying northerly from said line shall be and remain in the town of Hanover.

SECTION 2. This act shall take effect upon its passage.

*Approved April 23, 1885.*

AN ACT TO AMEND CHAPTER TWO HUNDRED AND NINETEEN OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-EIGHT CONCERNING THE LENOX FIRE DISTRICT. Chap. 185

*Be it enacted, etc., as follows:*

SECTION 1. The third section of chapter two hundred and nineteen of the acts of the year eighteen hundred and seventy-eight is hereby amended by striking out the last five words, so that said section shall read as follows:— The legal voters of the said fire district of the town of Lenox shall, within one year from the organizing of said district, at a meeting called for the purpose, choose by ballot a board of three commissioners, who shall be a board of commissioners of hydrants, sidewalks, common sewers, main drains and lamps, all of whom shall be legal inhabitants and voters in said district. Said commissioners shall serve until the next annual meeting of said district and until others are chosen and qualified in their stead; and said district shall thereafter, at the regular annual meeting of said district, choose by ballot three such commissioners who shall serve during the ensuing year and until others are chosen and qualified in their stead. And said district shall have authority to fill any vacancy in said board at any meeting of said fire district regularly called for that purpose. Said commissioners shall be sworn.

Lenox fire district.

Commissioners to be elected.

Vacancies.

SECTION 2. The fourth section of said act is hereby amended by striking out the words “one tenth” in the fifteenth line of said section, and inserting in place thereof the words “one fifth,” so that said section shall read as follows:— Said district may, at meetings called for that purpose, raise money for the purpose of carrying out the provisions of this act; and said board shall expend the same for the purposes prescribed by vote of the district, and every member of said board of commissioners shall be accountable to the said district for any money received by him; and said district may maintain a suit therefor in the name of the inhabitants of said district. Said board shall not expend any money which has not been duly appropriated by the district, and shall have no authority to bind the district to the payment of money in excess of its appropriation, or for any purpose not specified by the vote of the district appropriating the same. But said district shall, during no year, raise by tax any amount of money

Not to raise by tax in excess of one-fifth of one per cent. of taxable property.

exceeding one-fifth of one per cent. of the taxable property in said district.

SECTION 3. This act shall take effect upon its passage.

*Approved April 23, 1885.*

*Chap. 186* AN ACT RELATING TO THE EXAMINATION OF CANDIDATES FOR DISTRICT POLICE.

*Be it enacted, etc., as follows:*

Examination of candidates for district police.

SECTION 1. So much of section one of chapter one hundred and three of the Public Statutes as requires candidates for appointment as district police to be examined by or under the direction of a justice of the superior court is repealed.

Repeal of 1884, 190.

SECTION 2. Chapter one hundred and ninety of the acts of the year eighteen hundred and eighty-four is repealed.

SECTION 3. This act shall take effect upon its passage.

*Approved April 23, 1885.*

*Chap. 187* AN ACT TO SUPPLY THE TOWN OF ERVING WITH WATER.

*Be it enacted, etc., as follows:*

Town of Erving may supply itself with water.

SECTION 1. The town of Erving may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; may establish fountains and hydrants, re-locate or discontinue the same, may regulate the use of such water, and fix and collect rates to be paid for the use of the same.

May take waters of Long Pond in Erving and Warwick.

SECTION 2. The said town for the purposes aforesaid, and the purposes named in section ten, may take, by purchase or otherwise, and hold the waters of Long Pond in the towns of Erving and Warwick at any point in either of said towns, and may by a proper dam, or dams, raise the level of the waters of said pond to any height desirable to facilitate the taking of water therefrom at some convenient point in the town of Erving and to supply a suitable storage reservoir; and may also take, by purchase or otherwise, and hold any water rights connected with said pond, and also all lands, rights of way and easements necessary for holding and preserving said water and for conveying the same to any part of said town of Erving, or to any part of the town of Montague lying within one mile from the railroad bridge over Millers River between said towns; and may erect on the

May take lands and erect structures thereon.

land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads, or public or private ways, and along any such way, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said town of Erving may dig up any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways, in such manner as to cause the least hindrance to public travel on such ways.

May lay down  
conduits and  
other works.

May dig up  
lands under di-  
rection of the  
selectmen.

SECTION 3. The said town shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded, in the registry of deeds for the county within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

A description of  
lands taken to  
be recorded in  
the registry of  
deeds.

SECTION 4. The said town shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said town under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

Damages to be  
paid by the  
town.

Application for  
damages not to  
be made until  
water is actually  
diverted.

Erving Water  
Loan.

SECTION 5. The said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip, to an amount not exceeding in the aggregate one hundred thousand dollars; such bonds, notes and scrip shall bear on their face the words "Erving Water Loan;" shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually, at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town, and be countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said town shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

Sinking fund to  
be established.

May make  
annual propor-  
tionate pay-  
ments.

SECTION 6. The said town, instead of establishing a sinking fund, may, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall, without further vote, be assessed by the assessors of said town in each year thereafter, until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

Return to state  
amount of fund  
established, etc.

SECTION 7. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whether action has been taken in accordance with the provisions of the preceding section and the amounts raised and applied thereunder for the current year.

To raise by tax-  
ation sufficient  
to pay current  
expenses and in-  
terest.

SECTION 8. The said town shall raise annually by taxation a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works, and the interest as

it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

SECTION 9. The said town may purchase from the owner of any aqueduct or water pipes now used in furnishing water to the inhabitants to be supplied by said town, all or any of the estate, property, rights and privileges of such owner, and by such purchase shall become subject to all the liabilities and duties to such owner appertaining.

Town may purchase any existing aqueduct.

SECTION 10. To secure water under this act for the inhabitants of the village of Millers Falls, and others conveniently supplied from pipes leading thereto, and for fire district purposes, any part of the town of Montague within one mile from said railroad bridge, and any part of the town of Erving, may be erected into a fire district under the provisions of law relating to fire districts existing when such fire district may be constituted, without petition to either town to raise taxes for a fire department or waiting for the refusal of such town so to do, which fire district shall be called Millers Falls Fire District. Said fire district may contract with the town of Erving to supply water to its inhabitants under this act, and by such contract said town and fire district may fix the amount and terms of such supply to be modified as therein agreed, and said fire district may therein obligate itself to pay to the town of Erving, on terms of payment to be therein provided for, such moneys as may be agreed upon, above the amounts to be collected in water rates, for providing such supply, and the parties to said contract may also therein establish such differential rates for water, to be paid by inhabitants of the town of Montague residing in said fire district, as may seem just to equalize the cost thereof with the cost to the inhabitants of Erving residing in said fire district, and paying the town taxes raised to provide said supply, and may provide for modification of said rates from time to time. The moneys to be paid by said fire district to said town under said contract shall be raised by taxation in said fire district in the manner of raising other fire district taxes and paid to the treasurer of the town of Erving, and shall be applied, so far as may be, toward payment of the sums required of said town for the purposes of this act. No contract made under this

Water supply for village of Millers Falls.

Millers Falls Fire district.

Moneys to be paid by fire district to be raised by taxation.

Subject to ratification by a two-thirds vote.

May supply water to certain inhabitants of Montague.

Penalty for polluting water or injury to property.

Board of water commissioners to be elected.

To be trustees of sinking fund.

Vacancies.

section shall be valid unless ratified by two-thirds of the voters of the town of Erving present and voting thereon at a legal town meeting called for the purpose, and two-thirds of the voters of said fire district present and voting thereon at a legal fire district meeting called for the purpose, which two-thirds of the voters of said fire district shall include two-thirds of all the voters of said fire district residing in said town of Montague. On failure to conclude such contract the town of Erving may furnish water to the inhabitants of the town of Montague living within one mile from said railroad bridge, on such terms as the water commissioners may from time to time prescribe. This section shall not be held to compel the town of Erving to furnish water to non-residents thereof.

SECTION 11. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

SECTION 12. The said town shall, after its acceptance of this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town by this act, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote; the said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

SECTION 13. Section two of chapter one hundred and sixty-seven of the acts of the year eighteen hundred and eighty-four is hereby amended by striking out the words "Long Pond in Warwick or"; and all rights of the Orange Water Works to take, hold or convey the waters of said Long Pond are hereby annulled.

Amendment to  
1884, 167, § 2.

SECTION 14. Section thirteen of this act shall take effect upon its passage, and the first twelve sections thereof shall take effect upon their acceptance by a two-thirds vote of the voters of said town, present and voting thereon at a legal town meeting called for the purpose, within three years from their passage; but the number of meetings so called in any year shall not exceed three.

Subject to  
acceptance by a  
two-thirds vote.

*Approved April 23, 1885.*

AN ACT TO AUTHORIZE THE UNION OF THE FITCHBURG RAILROAD COMPANY AND THE BOSTON, BARRE AND GARDNER RAILROAD COMPANY.

*Chap. 188*

*Be it enacted, etc., as follows:*

SECTION 1. The Fitchburg Railroad Company, and the Boston, Barre and Gardner Railroad Company are hereby authorized to unite and form one corporation, on such terms and conditions as may be mutually agreed upon by said corporations at meetings of the stockholders thereof duly called for that purpose: *provided, however,* that not more than ten shares of Boston, Barre and Gardner Railroad stock shall be exchanged for one share of the stock of the united corporation. The name of the united corporation thus authorized shall be the Fitchburg Railroad Company, and said corporation shall have and enjoy all the franchises, powers, privileges, property and rights of every kind belonging to the Fitchburg Railroad Company now existing, and to the Boston, Barre and Gardner Railroad Company, or either of them, and shall assume all the duties, debts and liabilities of said corporations, and shall be subject to all general laws which now are or hereafter may be in force relating to railroad corporations.

May unite and  
form one cor-  
poration.

Provviso.

Name of united  
corporation to  
be the Fitchburg  
Railroad Com-  
pany.

SECTION 2. Nothing herein contained shall in any way impair or change any existing lien, by way of mortgage or otherwise, upon any property heretofore separately owned by either of said corporations, or affect the enforcements of such liens.

Existing liens  
not to be im-  
paired.

Capital stock.

SECTION 3. The capital stock of the Fitchburg Railroad Company, upon such union, shall not exceed the amount of the authorized capital stock of said two corporations now existing.

Vote to unite to be filed in secretary's office and with Railroad commissioners.

SECTION 4. Whenever said corporations shall have voted to unite as aforesaid, copies of the votes whereby such union is assented to, certified by the respective clerks of said corporations, shall be filed in the office of the secretary of the Commonwealth and with the board of railroad commissioners.

SECTION 5. This act shall take effect upon its passage.

*Approved April 23, 1885.*

**Chap.189** AN ACT AUTHORIZING CITIES AND TOWNS TO ENTRUST CERTAIN APPROPRIATIONS TO POSTS OF THE GRAND ARMY OF THE REPUBLIC FOR DISBURSEMENT.

*Be it enacted, etc., as follows :*

Disbursement of aid may be entrusted to a post of the Grand Army of the Republic.

SECTION 1. Any city or town may appropriate any sum of money for necessary aid to soldiers and sailors and their families and to the families of the slain, and may by special vote entrust such sum or any part thereof to any post of the Grand Army of the Republic located in such city or town, to be disbursed under its directions to any such persons residing in such city or town : *provided*, that the treasurer or other financial officer of such post shall make an annual return to such city or town under oath containing an itemized and specific statement of the disposition of such sums made by such post during the preceding year and shall exhibit his vouchers for such disbursements to any committee of such city or town for examination.

Proviso.

Disbursing officer to give bond.

SECTION 2. The officer designated in section one to hold and disburse said money shall, before receiving the same, give a bond for the faithful discharge of his trust to the city or town paying over the same, in such sum and with such sureties as the mayor and aldermen or the selectmen may require.

*Approved April 24, 1885.*

**Chap.190** AN ACT REQUIRING CLERKS OF TOWNS AND CITIES TO KEEP INDEXES OF INSTRUMENTS RECORDED.

*Be it enacted, etc., as follows :*

Indexes of Instruments required by law to be recorded.

SECTION 1. The clerk of each town and city in the Commonwealth shall make and keep an index or indexes of all instruments entered with him and required by law

to be recorded, which index or indexes shall be divided into five columns, with appropriate heads or titles giving date of reception, the names of parties, and the book and page on which each instrument is recorded, and the same shall be open for public inspection.

SECTION 2. This act shall take effect upon the first day of July next.

*Approved April 24, 1885.*

AN ACT CONCERNING THE MAY TERM OF THE SUPERIOR COURT  
FOR THE COUNTY OF ESSEX.

*Chap. 191*

*Be it enacted, etc., as follows:*

SECTION 1. The superior court for the county of Essex, heretofore held on the second Monday of May, shall hereafter be held on the first Monday of May in every year.

Court to be held on first Monday of May.

SECTION 2. All writs, processes, bonds and recognizances, which shall be made returnable to said court on said second Monday of May shall be returnable to, be entered at, and have day in, the term of said court to be held on the first Monday of May next.

Entry of writs, etc.

SECTION 3. This act shall take effect upon its passage.

*Approved April 24, 1885.*

AN ACT TO AUTHORIZE THE CONWAY ACADEMY TO TRANSFER ITS  
PROPERTY TO THE TOWN OF CONWAY AND TO DISSOLVE SAID  
FIRST NAMED CORPORATION.

*Chap. 192*

*Be it enacted, etc., as follows:*

SECTION 1. The Conway Academy, a corporation established and organized by and under the provisions of chapter three hundred and thirty-nine of the acts of the year eighteen hundred and fifty-three, is hereby authorized and empowered to sell, transfer and convey unto the town of Conway, in the county of Franklin, all the property, real, personal and mixed, which said Conway Academy now holds or is in possession of, or which has been conveyed or transferred to it, to be held by the said town of Conway solely for the purposes of education.

Conway Academy may sell and convey property to the town.

SECTION 2. Whenever the president and secretary of said Conway Academy shall certify under oath to the secretary of the Commonwealth that the transfer and conveyance named in section one have been made by said Conway Academy to said town of Conway and that the same have been received and accepted by said town of Conway, and that by reason thereof the said Conway Acad-

Corporation to be dissolved.

Certificate to be recorded.

emy holds no property, whether real, personal or mixed, under its act of incorporation, the secretary of the Commonwealth shall make record of such certificate, and thereupon the said corporation, the said Conway Academy, shall be dissolved.

SECTION 3. This act shall take effect upon its passage.  
*Approved April 24, 1885.*

*Chap. 193*

AN ACT TO PREVENT THE TAKING OF BLUE-FISH WITH NETS OR SEINES IN THE WATERS OF VINEYARD SOUND OPPOSITE TO THE TOWNS OF YARMOUTH, DENNIS AND HARWICH.

*Be it enacted, etc., as follows :*

Penalty for taking bluefish with nets or seines.

SECTION 1. Whoever takes any blue-fish in the state waters of Vineyard Sound opposite to the towns of Yarmouth, Dennis and Harwich, with nets or seines, shall be punished by a fine of ten dollars for each offence, one-half of which shall be paid to the person making the complaint and one-half to the county of Barnstable.

To take effect July 1, 1885.

SECTION 2. This act shall take effect on the first day of July in the year eighteen hundred and eighty-five.

*Approved April 24, 1885.*

*Chap. 194*

AN ACT TO PROMOTE THE ABOLITION OF GRADE CROSSINGS BY RAILROADS AND HIGHWAYS.

*Be it enacted, etc., as follows :*

Separation of grades at level crossing of railroad with a highway.

SECTION 1. The jurisdiction given by section one hundred and twenty-nine of chapter one hundred and twelve of the Public Statutes to county commissioners upon petition, may also, for the separation of grades at any level crossing of a railroad with a highway or town way, be assumed and exercised by them on the petition in writing signed by not less than twenty legal voters of the county wherein such crossing is situated ; *provided*, that before final action there shall be a hearing, of which thirty days' notice shall be given to each town, city and railroad company interested, and published not less than two weeks in some newspaper in the county ; *provided*, that the power conferred upon the county commissioners by this section shall not be exercised unless they adjudge and certify that in their opinion the cost of the proposed change will not exceed three thousand dollars, and *provided*, that the order of the county commissioners, made under the additional power hereby conferred, shall not be

Hearing to be had, after notice given.

Provisos.

carried into effect if it shall be made to appear to the special commission provided for by section one hundred and thirty-two, that the cost of the change will exceed the sum of six thousand dollars. And if it be so made to appear, such special commission shall annul the order of the commissioners for said change. If said order is so annulled, the cost of the hearing by the special commissioners, taxed by them and approved by the district attorney, shall be paid by the county. The portion of said section one hundred and twenty-nine relating to costs, including the last twenty-one words thereof, is hereby repealed.

Repeal.

SECTION 2. The board of railroad commissioners shall have jurisdiction of cases arising in the city of Boston, under section one hundred and twenty-nine of chapter one hundred and twelve of the Public Statutes, either on petition by the mayor and aldermen of said city or the directors of the railroad company interested; and such directors are hereby authorized to petition in such cases.

Jurisdiction of board in city of Boston.

SECTION 3. Section one hundred and thirty of said chapter one hundred and twelve is amended by inserting after the words "such taking" in the sixth line thereof, the words "or otherwise."

Amendment to P. S. 112, § 130.

SECTION 4. Section one hundred and thirty-one of said chapter one hundred and twelve is amended by striking out the word "or" in the seventh line thereof, and inserting in its place the word "and," and by adding at the end of said section the words "and other towns and cities within the county specially interested in the matter, provided that the county may be omitted from such apportionment if such omission seems just, and any town or city except that in which the crossing is situated may also be omitted from the apportionment if it seems just so to do."

Amendment to P. S. 112, § 131.

SECTION 5. Section one hundred and thirty-two of said chapter is amended by striking out the word "term" in the sixth line thereof, and inserting the word "time" in lieu thereof, and further by striking out the words "at a term of court held for civil business in the county in which such crossing is situated," in the sixth, seventh and eighth lines thereof.

Amendment to P. S. 112, § 132.

SECTION 6. No appeal shall hereafter be allowed from any decision or order of the county commissioners, directing a separation of grade under section one hundred

No appeal to be taken from decision of county commissioners.

twenty-nine of chapter one hundred and twelve of the Public Statutes: *provided*, that this section shall not apply to any proceedings pending when this act takes effect.

*Approved April 27, 1885.*

**Chap.195** AN ACT TO ESTABLISH THE SALARIES OF THE AUDITOR OF THE COMMONWEALTH AND OF THE FIRST CLERK IN THE AUDITOR'S DEPARTMENT.

*Be it enacted, etc., as follows:*

Salary of the auditor.

SECTION 1. The salary of the auditor of the Commonwealth, beginning with the first day of January eighteen hundred and eighty-five, shall be three thousand dollars per annum, and at the same rate for any portion of a year.

Salary of first clerk.

SECTION 2. The salary of the first clerk in the department of the auditor of the Commonwealth shall be two thousand dollars per annum, beginning with the first day of January eighteen hundred and eighty-five, and at the same rate for any portion of a year.

SECTION 3. This act shall take effect upon its passage.

*Approved April 28, 1885.*

**Chap.196** AN ACT AUTHORIZING CITIES AND TOWNS TO LICENSE SKATING RINKS.

*Be it enacted, etc., as follows:*

May grant licenses to maintain skating rinks.

SECTION 1. The mayor and aldermen of any city except Boston, and in Boston the police commissioners, and the selectmen of any town, may grant a license to any person to establish, keep open and maintain a skating rink to be used for the amusement of roller skating for hire, gain or reward upon such terms, conditions and regulations as they deem proper, subject to the provisions of sections one hundred and twenty-four to one hundred and twenty-seven inclusive, of chapter one hundred and two of the Public Statutes: *provided, however*, that licenses may be granted at any time to continue in force until the first day of May in the year eighteen hundred and eighty-six unless sooner revoked, and said officers may revoke the same at pleasure.

Proviso.

Penalty for maintaining rink without license.

SECTION 2. Whoever without such license establishes, keeps open or maintains a skating rink, to be used for the amusement of rolling skating, shall be punished by fine not exceeding five hundred dollars for each offence.

SECTION 3. Any marshal or his deputy, sheriff or his deputy, constable, police officer or watchman may at any time enter into a skating rink or room connected therewith for the purpose of enforcing any law of the state; and whoever obstructs and hinders the entrance of such officer shall be punished by fine of not less than five nor more than twenty dollars. *Approved April 29, 1885.*

Officers may enter rinks at any time.

Penalty for obstructing officer.

AN ACT TO AUTHORIZE THE SELECTMEN OF TOWNS TO MAKE RULES  
FOR THE REGULATION OF CARRIAGES AND OTHER VEHICLES.

*Chap. 197*

*Be it enacted, etc., as follows:*

The selectmen of a town shall have and exercise all the power and authority conferred upon the mayor and aldermen of a city by section twenty-five of chapter twenty-eight of the Public Statutes: *provided*, that any rules and orders made by the selectmen under the authority hereof shall not take effect until they have been published at least one week in some newspaper published in the said town, if there is any newspaper published in said town, otherwise in the county in which said town is situated. This act shall not impair the right of a town to make by-laws relating to the subject. *Approved April 29, 1885.*

Selectmen may make rules for regulation of carriages.

AN ACT TO PREVENT THE SPREAD OF CONTAGIOUS DISEASES THROUGH  
THE PUBLIC SCHOOLS.

*Chap. 198*

*Be it enacted, etc., as follows:*

Chapter sixty-four of the acts of the year eighteen hundred and eighty-four is hereby amended so that it shall read as follows:—The school committees shall not allow any pupil to attend the public schools while any member of the household to which such pupil belongs is sick of small-pox, diphtheria, or scarlet fever, or during a period of two weeks after the death, recovery or removal of such sick person; and any pupil coming from such household shall be required to present, to the teacher of the school the pupil desires to attend, a certificate, from the attending physician or board of health, of the facts necessary to entitle him to admission in accordance with the above regulation. *Approved April 29, 1885.*

Pupils not to attend school when any of the household is sick of diphtheria, etc.

*Chap.199* AN ACT TO INCORPORATE THE WELLFLEET MARINE INSURANCE COMPANY.

*Be it enacted, etc., as follows:*

Corporators.

SECTION 1. James Swett, Richard R. Freeman, Simon Atwood, John Swett, Warren Newcomb, William L. Paine, Thomas Kemp, their associates and successors, are hereby made a corporation by the name of the Wellfleet Marine Insurance Company, in the town of Wellfleet, for the purpose of insuring against marine losses, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to such corporations, except as hereinafter provided.

Name and purpose.

Powers and duties.

Capital stock and shares.

SECTION 2. Said corporation shall have a capital stock of one hundred thousand dollars, divided into shares of one hundred dollars each, and shall have the liberty to pay in and increase the said capital stock to an amount in the whole not exceeding two hundred thousand dollars.

SECTION 3. This act shall take effect upon its passage.

*Approved April 29, 1885.*

*Chap.200* AN ACT TO AUTHORIZE FIRE DISTRICT NUMBER ONE OF GREENFIELD TO ISSUE SECURITIES TO PAY ITS EXPENSES AND REFUND ITS INDEBTEDNESS.

*Be it enacted, etc., as follows:*

Greenfield Fire District Water Loan, not to exceed \$100,000.

SECTION 1. The fire district number one of the town of Greenfield, for the purpose of paying the necessary expenses and liabilities now or hereafter incurred under the provisions of chapter two hundred and twenty-two of the acts of the year eighteen hundred and seventy, and of redeeming and refunding the notes and indebtedness of said fire district, may issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate one hundred thousand dollars; such bonds, notes and scrip shall bear on their face the words Greenfield Fire District Water Loan, Act of 1885; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually, at a rate not exceeding six per centum per annum, and shall be signed by the treasurer and be countersigned by the chairman of the prudential committee of said fire district. The said fire district may sell such securities at public or private sale, or pledge the

May sell securities at public or private sale.

same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said fire district shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

Sinking fund.

SECTION 2. The said fire district instead of establishing a sinking fund may, at the time of authorizing its said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall, without further vote, be assessed by the assessors of said town of Greenfield and collected in each year thereafter until the debt incurred by said fire district by its said loan shall be extinguished, in the same manner as other taxes are assessed and collected under the provisions of section fifty-four of chapter thirty-five of the Public Statutes.

May make annual proportionate payments instead of establishing sinking fund.

SECTION 3. The said fire district shall raise annually by taxation a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works, and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said fire district, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

To raise annually by taxation sufficient for current expenses and interest.

SECTION 4. Section five of chapter two hundred and forty-seven of the acts of the year eighteen hundred and eighty-three entitled "An Act to enable Fire District Number One of Greenfield to increase its Water Supply," is amended by striking out, in the sixth line of said section, the word "town," and inserting in the place thereof the words "fire district."

Amendment to 1883, 242, § 5.

SECTION 5. The said fire district is authorized and empowered through its prudential committee, or any other agents appointed by it for the purpose, to do the acts and exercise the powers authorized and provided for by said chapter two hundred and twenty-two of the acts of the year eighteen hundred and seventy, which is hereby extended for that purpose.

Provisions of 1872, 222, extended.

SECTION 6. This act shall take effect upon its passage.

*Approved April 29, 1885.*

*Chap.*201 AN ACT IN AID OF THE HORACE MANN SCHOOL FOR THE DEAF.  
*Be it enacted, etc., as follows :*

Land granted  
for a school  
building for  
education of  
mutes.

Subject to stipu-  
lations.

Reversion of  
land if building  
is not erected  
within three  
years.

SECTION 1. The city of Boston is hereby granted perpetual right to hold, occupy and control, free of rent or charge by the Commonwealth, for the purpose of erecting and maintaining thereon a school building to be used for the education of deaf mutes and deaf children, a parcel of land now owned by the Commonwealth and situated on Newbury Street in said city, being described as follows : — beginning at a point on the southerly line of Newbury Street eighty-four feet easterly from Exeter Street ; thence easterly on the southerly line of Newbury Street seventy-five feet ; thence southerly one hundred and twelve feet to a passageway sixteen feet wide ; thence westerly on the northerly line of said passageway seventy-five feet ; thence northerly one hundred and twelve feet to the southerly line of Newbury Street ; containing eighty-four hundred square feet ; also all that part of said passageway that lies northerly of its centre line and between the easterly and westerly lines of said lot extended. The said school building and land shall be under the care and control of the school committee of the city of Boston. This grant is made however subject to the following stipulations, namely : — the city of Boston shall, within three years from the date of the passage of this act, erect on the said parcel of land a school building suitable for the use of the Horace Mann School for the Deaf, and shall thereafter maintain said school for the education of deaf mutes and deaf children who shall be sent to said school by the governor, with the approval of the board of education, or shall otherwise be lawfully sent to or received by the said school for instruction therein, and shall in respect to the erection of said building be subject to the restrictions heretofore contained in other conveyances by the Commonwealth of its land upon said Newbury Street.

SECTION 2. If the city of Boston shall fail to erect the said school building within three years, or shall use said land, or any portion thereof, for any purpose foreign to the uses for which it is granted, it shall be lawful for the Commonwealth, by its proper officers and servants, to take appropriate action in the courts of the Commonwealth to the end that said parcel of land, or portion thereof, may

be declared to be forfeited by the city of Boston, and the title therein be revested in the Commonwealth.

SECTION 3. This act shall take effect upon its passage.

*Approved April 29, 1885.*

AN ACT TO INCORPORATE THE PROPRIETORS OF THE FOX CEMETERY *Chap. 202*  
IN THE TOWN OF BERKLEY.

*Be it enacted, etc., as follows:*

SECTION 1. Herbert A. Dean, George R. Babbitt, Proprietors of Fox Cemetery, incorporated. William H. Fox, together with such other persons as shall become proprietors of lots in the cemetery hereinafter mentioned, their successors and assigns, are hereby made a corporation by the name of the Proprietors of the Fox Cemetery; and said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the eighty-second chapter of the Public Statutes, except as is otherwise provided in this act.

SECTION 2. The said corporation may purchase, take and hold, in fee simple, for the purposes hereinafter set forth, a lot of land lying in Berkley, in the county of Bristol, near to the late residence of Jabez Fox, deceased, and hitherto used and known as the Fox Burying Ground; and may also acquire and hold personal property, not exceeding in amount the sum of twenty thousand dollars, to be applied to objects connected with and appropriate to the purposes of said corporation. May take land known as the Fox Burying Ground.

SECTION 3. The said corporation shall hold and set apart the aforesaid land for a cemetery or burial ground, and for the erection of tombs, cenotaphs or other monuments for or in memory of the dead; and for this purpose shall have power to lay out the same in suitable lots or subdivisions, for family or other burial places; to plant and embellish the same with trees, shrubbery and other appropriate ornaments; to enclose and divide the same with suitable walls and fences, and to construct and annex thereto such suitable buildings, appendages and other conveniences as said corporation shall from time to time deem expedient. To hold land for a cemetery.

SECTION 4. The land aforesaid shall be, and hereby is, exempted from all public taxes so long as the same shall remain dedicated to the purposes of a cemetery. Exempt from taxation.

SECTION 5. This act shall take effect upon its passage.

*Approved April 29, 1885.*

**Chap.203** AN ACT TO ESTABLISH THE SALARY OF THE JUDGE OF PROBATE AND  
INSOLVENCY FOR THE COUNTY OF SUFFOLK.

*Be it enacted, etc., as follows:*

Salary  
established.

SECTION 1. The salary of the judge of probate and insolvency for the county of Suffolk, beginning with the first day of January eighteen hundred and eighty-five, shall be five thousand dollars per annum, and at the same rate for any portion of a year.

SECTION 2. This act shall take effect upon its passage.

*Approved April 29, 1885.*

**Chap.204** AN ACT IN RELATION TO THE PAYMENT OF STATE AID TO THE WIDOWS  
OF CERTAIN SOLDIERS, SAILORS AND MARINES IN THE WAR OF THE  
REBELLION.

*Be it enacted, etc., as follows:*

State aid to  
certain widows  
of soldiers, etc.

SECTION 1. State aid may be paid to the widow of any soldier, sailor or marine, described in the second section of chapter thirty of the Public Statutes, who was married to said soldier, sailor or marine before the ninth day of April eighteen hundred and seventy, and who is otherwise qualified to receive state aid under the provisions, limitations and regulations of said chapter.

Repeal.

SECTION 2. So much of section three of chapter thirty of the Public Statutes as is inconsistent with this act is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

*Approved April 29, 1885.*

**Chap.205** AN ACT RELATING TO CLERICAL ASSISTANCE IN THE OFFICE OF THE  
REGISTER OF PROBATE AND INSOLVENCY FOR THE COUNTY OF  
SUFFOLK.

*Be it enacted, etc., as follows:*

Allowance for  
extra clerical  
assistance.

SECTION 1. If deemed necessary by the judge of probate and insolvency for the county of Suffolk, the register for said county shall be allowed annually, commencing with the first day of January in the year eighteen hundred and eighty-five, a sum not exceeding twelve hundred dollars, for extra clerical assistance actually performed, to be paid from the treasury of the Commonwealth.

Amendment to  
P. S. 153, § 24.

SECTION 2. Section twenty-four of chapter one hundred and fifty-eight of the Public Statutes, relating to clerical assistance, shall not hereafter apply to the county of Suffolk.

SECTION 3. This act shall take effect upon its passage.

*Approved April 29, 1885.*

AN ACT TO SUPPLY THE TOWNS OF ROCKLAND, ABINGTON AND SOUTH  
ABINGTON WITH WATER.*Chap. 206**Be it enacted, etc., as follows :*

SECTION 1. The towns of Rockland, Abington and South Abington, may severally supply themselves and their respective inhabitants with water for the extinguishment of fires and for domestic and other purposes. Each of said towns within its respective limits may establish fountains and hydrants, re-locate or discontinue the same, may regulate the use of such water, and fix and collect rates to be paid for the use of the same.

Water supply  
for Rockland,  
Abington and  
So. Abington.

SECTION 2. The said towns for the purposes aforesaid, in the manner herein prescribed, may each take, and any two or all of them, may unite and jointly take, by purchase or otherwise, and hold and convey to and into the said towns, or either of them, from some convenient point in the town of Pembroke, through the town of Hanson, the waters of Great Sandy Bottom Pond in the town of Pembroke, and the waters which flow into and from the same, or any part thereof; and may also take, by purchase or otherwise, and hold any water rights connected therewith, and also all lands, rights of way and easements necessary for holding and preserving such water, and for conveying the same to any part of said towns, or of either of them, and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works, and may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads, or public or private ways, and along any such way, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said towns, or such of them as unite, or either of them, may dig up any such lands, and, under the direction of the board of selectmen, or road commissioners, of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

May take  
waters of Great  
Sandy Bottom  
Pond in Pem-  
broke.

May take lands  
and erect  
structures.

May lay down  
conduits and  
pipes.

May dig up  
lands, etc.

Description of  
lands, etc.,  
taken, to be  
filed in the  
registry of  
deeds.

SECTION 3. The said towns, or such of them as take the same, shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded, in the registry of deeds for the county within which such lands or other property is situated, a description thereof, sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners, hereinafter provided for, of the town taking the same separately; and in case of a joint taking, by the chairman of each construction committee of the towns participating in such joint taking.

Liability for  
damages.

SECTION 4. The said towns, or such of them as act jointly, shall jointly pay all damages sustained by any person or corporation in property by the joint taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said towns, or such of them as act jointly, under the authority of this act. And each of said towns shall respectively pay all damages sustained by any person or corporation in property by the separate taking of any land, right of way, water, water source, water right or easement, or by any other thing done by such town, acting separately, under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said towns, or such of them as unite, when acting jointly, or with either of them when acting separately, as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said towns, or such of them as unite, acting jointly, or by either of them acting separately, under the authority of this act.

Application for  
damages not to  
be made until  
water is actually  
diverted.

Towns may  
severally issue  
bonds, etc.

SECTION 5. Each of said towns may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time,

bonds, notes or scrip, as follows: the town of Rockland to an amount not exceeding, in the aggregate, one hundred and fifty thousand dollars; the town of Abington to an amount not exceeding, in the aggregate, one hundred and fifty thousand dollars; the town of South Abington to an amount not exceeding fifty thousand dollars, in addition to the amounts heretofore authorized by law to be issued by said town for the same purposes, — the whole amount, together with those heretofore issued by said town, not to exceed in the aggregate one hundred and fifty thousand dollars. Such bonds, notes or scrip, issued by the town of Rockland, shall bear on their face the words “Rockland Water Loan;” those issued by the town of Abington shall bear on their face the words “Abington Water Loan;” those issued by the town of South Abington shall bear on their face the words “South Abington Water Loan.” Such bonds, notes or scrip shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest, payable semi-annually, at a rate not exceeding six per centum per annum, and shall be signed by the treasurer, and be countersigned by the water commissioners, hereinafter provided for, of the town issuing the same. Each of said towns may sell its respective securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. Each of said towns shall provide, at the time of contracting its respective loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of its said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

SECTION 6. Each of said towns, instead of establishing a sinking fund, may, at the time of authorizing its said respective loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed, the amount required thereby shall, without further vote, be assessed by the assessors of each town respectively so providing and voting, in each year thereafter, until the debt incurred by each town respectively by its said loan shall be extinguished, in the

Rockland, not exceeding \$150,000.  
Abington, not exceeding \$150,000.  
South Abington, not exceeding \$50,000.

May sell securities at public or private sale.

Sinking fund.

May make annual proportionate payments instead of providing sinking fund.

same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

Return, to state  
amount of sink-  
ing fund, etc.

SECTION 7. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whether action has been taken in accordance with the provisions of the preceding section, and the amounts raised and applied thereunder for the current year.

Each town to  
raise annually  
sufficient to  
pay current  
expenses and  
interest.

SECTION 8. Each of said towns shall raise annually, by taxation, a sum which, with the income derived from its water rates, will be sufficient to pay the current annual expenses of operating its water works, and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by each town respectively, and to make such contributions to its sinking fund and payments on the principal as may be required under the provisions of this act.

Water supply  
for town of  
Hanson.

SECTION 9. Each of said towns, or such of them as unite and jointly act, are authorized to contract for and furnish, from its or their water supply, to the town of Hanson or any of its inhabitants, a supply of water for the use of the town of Hanson and its inhabitants, for the extinguishment of fires and for domestic and other purposes, on such terms as may be agreed upon between said towns entering into such agreement, and to make the necessary connections of its or their conduits or pipes with the conduits or pipes of the town of Hanson, or with the premises of any of its inhabitants desiring a supply of water: *provided*, that nothing herein contained shall be construed to compel the towns accepting this act to make such connections or to furnish said supply of water.

Any two of the  
towns may  
jointly take  
water, etc.

SECTION 10. Any two of said towns accepting this act if they unite and jointly take water from the source and as provided in section two, in case the remaining town declines to participate in such taking, by not accepting this act, are authorized to contract for and furnish, from such water supply, to the town so declining to participate, a supply of water for the use of such remaining town and its inhabitants, for the extinguishment of fires and for domestic and other purposes, on such terms as may be agreed upon between said towns, and to make the necessary connections of their conduits or pipes with the conduits or pipes of such remaining town: *provided*, that

Proviso.

nothing herein contained shall be construed to compel the towns that unite and jointly take said water to make such connections or to furnish a supply of water to such remaining town.

SECTION 11. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said towns or any two of them jointly, or either of them separately, under the authority and for the purposes of this act, shall forfeit and pay to said towns so jointly, or to either of them so separately, owning, holding or using the same, three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Penalty for corrupting water or injuring property.

SECTION 12. Each of said towns mentioned in section one shall after its acceptance of this act, at a legal town meeting called for the purpose in each town, elect by ballot three persons who shall constitute a construction committee, and each of said towns of Rockland and Abington shall at such meeting elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by each town by ballot for the term of three years. All the authority granted to each of the said towns of Rockland, Abington and South Abington by this act, when acting separately, and not otherwise specifically provided for, shall be vested in the board of water commissioners of each town respectively, who shall be subject however to such instructions, rules and regulations as each town respectively may impose by its vote; the said commissioners of each town shall be trustees of the sinking fund herein provided for, of their respective towns, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund of their respective towns. Any vacancy occurring in any of said boards from any cause, may be filled for the remainder of the unexpired term by the town to which such

Construction committees.

Water commissioners.

Trustees of sinking fund.

board belongs at any legal town meeting of such town, called for the purpose.

Powers to take water, etc., granted to towns to be vested in the construction committees.

SECTION 13. All authority conjointly granted to said towns, or to such of them as unite and jointly act as provided in section two, and not otherwise specially provided for, shall, for the purposes of taking waters, lands, rights of way and easements, for and during the construction of the joint water works and their appurtenances, be vested in the several construction committees of the towns which so unite and jointly act, and such construction committees acting jointly shall contract for and have the supervision, management and control of the construction of such joint water works and appurtenances, and all matters appertaining thereto; and when such joint water works are completed, all authority conjointly granted to said towns, or to such of them as unite and jointly act, shall be vested in a joint water board, to be composed of the several boards of water commissioners, for the time being, of the towns which so unite and jointly act, and such joint water board shall have the supervision, management and control of the waters jointly taken and held by such towns under this act, and the letting down of the same, and of all the water works, property and appurtenances jointly owned, held or used by such towns.

Powers to be vested in commissioners when works are completed.

Liability for damages.

SECTION 14. The damages arising from the joint taking by said towns, or by such of them as unite and jointly act, of any waters, lands, rights of way or easements, or from any other thing done by such towns acting jointly, and the cost, charges and expenses of the construction and maintenance and running of the joint water works and appurtenances, shall be borne and paid equally by the towns which unite and jointly act; and such towns shall jointly own, hold and use the same; and each of such towns shall be entitled to an equal share of said waters. In case the said towns which unite and jointly act, or their officers or agents, appointed as provided in this act, cannot agree in any matter arising under or in carrying out the purposes of this act, then the matter in controversy shall be determined by three commissioners, to be appointed by the supreme judicial court, upon application of either of such towns, through its said officers or agents, and notice to the others, whose award, when accepted by said court, shall be binding upon all parties.

SECTION 15. This act shall take effect, so far as the town accepting the same is concerned, upon its acceptance by a two-thirds vote of the voters of either of said towns mentioned in section one, present and voting thereon at a legal town meeting called for that purpose, in each of said towns, within one year from its passage; but the number of meetings called for that purpose, in each town, shall not exceed three: *provided*, that neither of said towns accepting this act shall proceed to take, by purchase or otherwise, either separately or jointly, any waters from the source mentioned in section two, until the expiration of one year from the passage of this act, unless the same has been accepted by all of the towns mentioned in section one within said year; *and provided*, that if all of said towns, or any two of them, accept this act, within the time and in the manner herein prescribed, neither of such towns shall separately take any waters from said source, but the towns so accepting this act shall jointly take such waters, and jointly and separately act as herein provided.

Subject to acceptance by two-thirds vote.

Proviso.

*Approved April 30, 1885.*

AN ACT TO AUTHORIZE THE BOSTON AND LOWELL RAILROAD CORPORATION TO HOLD, MANAGE AND DISPOSE OF CERTAIN PROPERTY.

*Chap. 207*

*Be it enacted, etc., as follows:*

SECTION. 1 The Boston and Lowell Railroad Corporation may hold, own, manage and dispose of the property and estate which the Boston, Concord and Montreal Railroad, by its lease, dated June nineteenth, eighteen hundred and eighty-four, agreed to convey to it or to trustees for its benefit.

May hold and dispose of certain property.

SECTION 2. This act shall take effect upon its passage.

*Approved April 30, 1885.*

AN ACT TO INCORPORATE THE BOSTON LIMITED PARTNERSHIP COMPANY.

*Chap. 208*

*Be it enacted, etc., as follows:*

SECTION 1. William Claflin, John D. W. Joy, Jonathan A. Lane, Joseph Sawyer, John F. Anderson, Thomas Dana, I. T. Burr, Tilly Haynes, Ezra Farnsworth, their associates and successors, are made a corporation by the name of Boston Limited Partnership Company, with all the powers, rights and privileges and

Boston Limited Partnership Company, incorporated.

subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to this corporation.

Capital stock and shares.

SECTION 2. The capital stock of said company shall be two hundred thousand dollars and shall be divided into shares of one hundred dollars each; said capital stock may be increased from time to time in the manner provided by law to any sum not exceeding two million dollars; and it shall not commence business until its entire original capital is actually paid in, in cash. The office and principal place of business of said corporation shall be in the city of Boston, and it shall have the powers in respect to the election, tenure and duties of its officers conferred by sections four and five of chapter one hundred and five of the Public Statutes.

May furnish money to be used as business capital.

SECTION 3. Said company may furnish money to any person, copartnership or corporation, to be used as business capital in such sum, for such time and on such terms as may be agreed on: *provided*, that not more than ten per cent. of its capital and surplus shall be furnished to any one person, copartnership or corporation including in the money furnished to any copartnership all furnished to the several members thereof; and may contract for interest, or a share of the profits of the business in which such capital is to be employed, or both, for the use thereof. In every such case the parties shall execute a certificate stating the amount of such capital and the period for which the same is furnished, which shall be acknowledged, filed, recorded and published in the same manner as certificates of limited partnership. Capital so furnished, with any share of profits due as such for the use thereof, shall be and remain at the risk of the business in which it is employed, and shall be in no part withdrawn, during the period named in the certificate, unless it is otherwise provided and stated therein; and in case of such withdrawal of such capital or profits, or of any part thereof, under such provision, the same shall nevertheless remain liable for the payment of all debts contracted prior to such withdrawal and notice thereof, which notice shall be given as prescribed by law in case of the dissolution of a limited partnership. And nothing in the contracts or business herein provided for shall establish the relation of copartners between said company and any other person, copartnership or corporation; and said company shall not be in any way

Certificate of amount of capital to be recorded, etc.

liable or responsible as a copartner by reason or in consequence thereof.

SECTION 4. The directors of said company may semi-annually declare a dividend of so much of the net profits of the company as they shall judge expedient but shall before the declaration of a dividend carry one-tenth part of its net profits of the preceding half year to its surplus fund until the same shall amount to ten per centum of its capital stock: *provided*, that no dividend shall be declared and paid in excess of the net earnings after providing for the required reserve. Dividends.

SECTION 5. The commissioners of savings banks shall inspect, examine and inquire into the affairs, have access to the vaults, books and papers of said corporation; and said corporation shall make returns to the savings bank commissioners in such manner as may be prescribed by them once in each year at least, and at other times when said commissioners shall by written notice direct the same to be made, and to the same extent as if this corporation were a savings bank. Subject to supervision by bank commissioners.  
Returns.

SECTION 6. Said company shall be subject to taxation upon its corporate franchise as other business corporations are taxable under the provisions of sections thirty-eight, thirty-nine and forty of chapter thirteen of the Public Statutes. Subject to taxation.

*Approved April 30, 1885.*

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AN ACT CONFIRMING THE ACTS OF THE FISH COMMITTEE OF THE TOWNS OF DENNIS AND YARMOUTH RELATING TO THE REGULATION OF THE FISHERIES IN BASS RIVER. Chap. 209

*Be it enacted, etc., as follows:*

SECTION 1. The acts of the committee of the town of Dennis and the committee of the town of Yarmouth, acting as a fish committee under chapter thirty-seven of the acts of the year one thousand eight hundred and forty-nine, are hereby made valid and confirmed to the same extent as though the committee of the town of Dennis had been chosen annually instead of for the term of three years, and the said committee as now constituted shall continue to exercise the powers of fish committee under said chapter until their successors are chosen at the next annual town meetings in said respective towns. Acts of commissioners made valid.

SECTION 2. This act shall take effect upon its passage.

*Approved May 1, 1885.*

*Chap.210* AN ACT TO AUTHORIZE THE PAYMENT OF CHECKS, DEMAND DRAFTS,  
AND SAVINGS BANK ORDERS, IN CASE OF THE DEATH OF THE  
DRAWER BEFORE PAYMENT.

*Be it enacted, etc., as follows:*

Payment of  
check or draft  
after the death  
of the drawer.

SECTION 1. Any depositary subject to withdrawal by check or demand draft may pay any check or demand draft drawn by any person who has funds on deposit to meet the same, notwithstanding the death of such drawer in the interval of time between drawing such check or demand draft and its presentation for payment, when such presentation shall be made within ten days after the date of such check or demand draft.

Payment by  
savings banks.

SECTION 2. Savings banks and institutions for savings are hereby authorized and empowered to pay any savings bank order, drawn by any person who has funds on deposit to meet the same, notwithstanding the death of such drawer in the interval of time between signing such savings bank order and its presentation for payment, when said presentation shall be made within thirty days after the date of such savings bank order; and at any subsequent period, provided the depositary has not received actual notice of the death of the drawer.

Repeal.

SECTION 3. All acts or parts of acts inconsistent herewith are hereby repealed.

SECTION 4. This act shall take effect upon its passage.

*Approved May 4, 1885.*

*Chap.211* AN ACT REQUIRING CITIES AND TOWNS TO GIVE CERTAIN NOTICES  
CONCERNING STATE POOR SUPPORTED BY THEM.

*Be it enacted, etc., as follows:*

Notices concern-  
ing state poor  
supported by  
cities and towns.

SECTION 1. Sections twenty-five, twenty-six and thirty-one of chapter eighty-six of the Public Statutes are hereby amended so as to read as follows: — *Section 25.* No city or town officer shall be allowed to send to the almshouse any person infected with small-pox or other disease dangerous to the public health, or any other sick person whose health would be endangered by removal; but all such persons liable to be maintained by the Commonwealth shall be supported during their sickness by the city or town in which they are taken sick, and notice of such sickness shall be given to the state board, which may examine the case and order the removal of the patient if it deems it expedient: *provided*, that the notice herein required,

Proviso.

in cases of sick persons whose health would be endangered by removal, shall be signed by the overseers of the poor, or by such officer as they may see fit by special vote to appoint, and they or he shall certify, after a personal examination, that in their or his opinion such removal of the person named in such notice, at the time of his application for aid, would endanger his health. *Section 26.*

Expense to be  
reimbursed by  
Commonwealth.

The expense incurred by a city or town under the provisions of the preceding section, after notice has been given as therein required, shall be re-imbursed by the Commonwealth, the bills for such support having been approved by the state board or by some person designated by it, the bills so audited being endorsed with a distinct declaration that the amount charged for has been paid from the city or town treasury. *Section 31.* The expense of thus supporting the person who is a state pauper, written notice having been given to the state board within sixty days from the time when such aid shall be first given, shall be paid by the Commonwealth, reference being had to the expense of supporting such person at the almshouse, if thereto committed.

SECTION 2. This act shall take effect on the first day of July in the year eighteen hundred and eighty-five.

To take effect  
July 1, 1885.

*Approved May 5, 1885.*

AN ACT TO PROVIDE FOR REBUILDING A PORTION OF THE JAIL AT  
NEW BEDFORD.

*Chap. 212*

*Be it enacted, etc., as follows :*

SECTION 1. The county commissioners of the county of Bristol are hereby authorized and required to rebuild that part of the jail at New Bedford known as the old prison, and for said purpose may borrow on the credit of the county a sum not exceeding seventy-five thousand dollars. The new structure shall contain not less than one hundred cells: *provided, however,* that said commissioners may construct a portion of said one hundred cells in an addition to that part of the said jail known as the new prison. They may make such other repairs and alterations as they shall consider necessary. The plans for said work shall be subject to the approval of the commissioners of prisons.

Jail to be re-  
built.

Proviso.

SECTION 2. In carrying out the provisions of this act, said county commissioners may employ the convicts held

Convicts may be  
employed.

in the jail or house of correction, and shall not be required to let out by contract the labor on said building, nor to advertise for proposals, as provided in section twenty-two of chapter twenty-two of the Public Statutes.

SECTION 3. This act shall take effect upon its passage.

*Approved May 5, 1885.*

**Chap. 213** AN ACT TO AUTHORIZE THE TOWN OF WELLESLEY TO MAKE AN  
ADDITIONAL WATER LOAN.

*Be it enacted, etc., as follows :*

Wellesley Water  
Loan not exceed-  
ing \$175,000.

SECTION 1. The town of Wellesley, for the purposes mentioned in section five of chapter one hundred and sixty-six of the acts of the year eighteen hundred and eighty-three, may issue bonds, notes or scrip, to be denominated on the face thereof "Wellesley Water Loan," to an amount not exceeding fifty thousand dollars in addition to the amounts heretofore authorized by law to be issued by said town for the same purposes; said bonds, notes or scrip to be issued upon the same terms and conditions and with the same powers as are provided in said act for the issue of the "Wellesley Water Loan" by said town: *provided*, that the whole amount of such bonds, notes or scrip issued by said town, together with those heretofore issued by said town for the same purposes, shall not in any event exceed the amount of one hundred and seventy-five thousand dollars.

Proviso.

SECTION 2. This act shall take effect upon its passage.

*Approved May 7, 1885.*

**Chap. 214** AN ACT TO INCREASE THE SALARY OF THE THIRD COMMISSIONER OF  
STATE AID.

*Be it enacted, etc., as follows :*

Salary estab-  
lished.

SECTION 1. Section one of chapter thirty of the Public Statutes is hereby amended so as to read as follows: — The auditor of the Commonwealth, the adjutant-general, and some competent third person to be appointed by the governor and council, with a salary to be fixed by them not exceeding eighteen hundred dollars per annum, who shall devote his whole time to the duties of his office, shall be commissioners of state aid, and shall investigate, so far as the interests of the Commonwealth may require, all payments for aid under this chapter.

SECTION 2. This act shall take effect upon its passage.

*Approved May 7, 1885.*

AN ACT PROVIDING FOR THE REMOVAL OF THE REMAINS OF THE DEAD FROM THE CEMETERY ON THE JOSEPH SANGER ESTATE IN SHERBORN.

*Chap. 215*

*Be it enacted, etc., as follows :*

SECTION 1. The town of Sherborn is hereby authorized under the direction of its selectmen to remove the remains of the dead and the monuments erected to their memory, from the old burying ground on the Joseph Sanger estate in said town: *provided, however*, that the selectmen of said town shall first give thirty days notice in a newspaper published in an adjoining town that such removal is intended; *and provided*, also, that the owners of the said burying ground shall first waive in writing all claim for damage resulting by reason of such removal. Said remains so removed shall be interred in such cemetery in said town as said selectmen may designate, and said monuments or other suitable monument or monuments shall be erected in the cemetery so designated; if, however, the relatives or friends of those whose remains are removed shall so request in writing, said remains shall be interred and said monuments erected in any authorized cemetery in this Commonwealth, said relatives or friends first paying the expense of the removal and interment.

Town may remove remains of the dead from old burying ground.

Remains so removed to be reinterred.

SECTION 2. Said town is hereby authorized to purchase and take conveyances of such lots in any cemetery in said town as may be necessary for carrying out the purposes of this act.

May purchase lots in any cemetery.

SECTION 3. Said town is hereby authorized at any legal town meeting called for that purpose to raise by taxation and appropriate for the purposes of this act a sum not exceeding two hundred dollars.

May raise by tax not exceeding \$200.

SECTION 4. This act shall take effect upon its passage.

*Approved May 7, 1885.*

AN ACT PROHIBITING THE SALE OR DELIVERY OF INTOXICATING LIQUORS ON ELECTION DAYS.

*Chap. 216*

*Be it enacted, etc., as follows :*

SECTION 1. Any common victualler having a license to sell intoxicating liquors under either of the first three classes of section ten, chapter one hundred of the Public Statutes, who shall sell, give away or deliver, on the licensed premises, any of such liquors on the day when any national, state, municipal or annual town election is held in the city or town where such premises is situated, shall be liable to a penalty of fifty dollars for each offence.

Intoxicating liquors not to be sold on election days.

Innkeepers may  
sell to guests.

SECTION 2. Any innkeeper having a license to sell intoxicating liquors, who shall, on the day of any election named in the first section of this act, and held as provided in said section, sell, give away or deliver, in his inn, any intoxicating liquors, except to guests duly registered, shall be liable to a penalty of fifty dollars for each offence.

*Approved May 7, 1885.*

Chap. 217

AN ACT TO SUPPLY THE TOWNS OF BRAINTREE, RANDOLPH AND HOLBROOK WITH WATER.

*Be it enacted, etc., as follows:*

Water supply  
for Braintree,  
Randolph and  
Holbrook.

SECTION 1. The towns of Braintree, Randolph and Holbrook may severally supply themselves, and their respective inhabitants, with water for the extinguishment of fires and for domestic and other purposes. Each of said towns, within its respective limits, may establish fountains and hydrants, re-locate or discontinue the same, may regulate the use of such water and fix and collect rates to be paid for the use of the same.

Towns may  
jointly take  
waters of Great  
Pond.

SECTION 2. The said towns for the purposes aforesaid, in the manner herein provided, may each take, and any two or all of them may unite and jointly take, by purchase or otherwise, and hold and convey to and into the said towns, or either of them, from some one convenient point, and in case of a joint taking through a common conduit, the waters of Great Pond in the towns of Braintree and Randolph and the waters which flow into and from the same, or any part thereof; and may also take, by purchase or otherwise, and hold any water rights connected therewith, and also all lands, rights of way and easements necessary for holding and preserving such water, and for conveying the same to any part of said towns, or of either of them, and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works, and may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads, or public or private ways, and along any such way, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper

May make exca-  
vations and pro-  
cure and operate  
machinery.

purposes of this act, said towns, or such of them as unite, or either of them, may dig up any such lands, and may enter upon and dig up any ways in either of said towns, in such manner as to cause the least hindrance to public travel on such ways.

May dig up lands and ways.

SECTION 3. The said towns, or such of them as take the same, shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded, in the registry of deeds for the county within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners, herein-after provided for, of the town taking the same separately ; and, in case of a joint taking, by the chairman of each board of water commissioners of the towns participating in such joint taking.

Description of the land taken to be recorded in the registry of deeds.

SECTION 4. The said towns, or such of them as act jointly, shall jointly pay all damages sustained by any person or corporation in property by the joint taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said towns, or such of them as act jointly, under the authority of this act. And each of said towns shall, respectively, pay all damages sustained by any person or corporation in property by the separate taking of any land, right of way, water, water source, water right or easement, or by any other thing done by such town, acting separately, under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said towns, or such of them as unite, when acting jointly, or with either of them when acting separately, as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act ; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said towns, or such of

Liability for damages.

them as unite, acting jointly, or by either of them acting separately, under the authority of this act.

Water loans.

SECTION 5. Each of said towns may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time, bonds, notes or scrip as follows: the town of Braintree to an amount not exceeding, in the aggregate, one hundred thousand dollars; the town of Randolph to an amount not exceeding, in the aggregate, one hundred thousand dollars; the town of Holbrook to an amount not exceeding, in the aggregate, one hundred thousand dollars. Such bonds, notes or scrip issued by the town of Braintree shall bear on their face the words "Braintree Water Loan"; those issued by the town of Randolph shall bear on their face the words "Randolph Water Loan"; those issued by the town of Holbrook shall bear on their face the words "Holbrook Water Loan." Such bonds, notes or scrip shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest, payable semi-annually, at a rate not exceeding six per centum per annum, and shall be signed by the treasurer, and be countersigned by the water commissioners hereinafter provided for, of the town issuing the same. Each of said towns may sell its respective securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. Each of said towns shall provide, at the time of contracting its respective loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of its said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

Sinking funds  
to be provided.

May make annual proportionate payments.

SECTION 6. Each of said towns, instead of establishing a sinking fund, may, at the time of authorizing its said respective loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed, the amount required thereby shall, without further vote, be assessed by the assessors of each town respectively so providing and voting, in each year thereafter, until the debt incurred by each town respectively by its said loan shall be extinguished, in the same manner

as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

SECTION 7. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whether action has been taken in accordance with the provisions of the preceding section, and the amounts raised and applied thereunder for the current year.

Return of amount of sinking fund.

SECTION 8. Each of said towns shall raise annually, by taxation, a sum which, with the income derived from its water rates, will be sufficient to pay the current annual expenses of operating its water works, and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by each town respectively, and to make such contributions to its sinking fund and payments on the principal as may be required under the provisions of this act.

To raise by tax sufficient to pay interest and current expenses.

SECTION 9. Either of the towns which shall take, or any two of them which unite and jointly take, water from the source and as provided in section two, in case the remaining town or towns decline, by not accepting this act within the time hereinafter limited, to participate in such taking, are authorized to contract for and furnish from such water supply to the town or towns so declining to participate, a supply of water for the use of such remaining town or towns and the inhabitants thereof, for the extinguishment of fires, and for domestic and other purposes, on such terms as may be agreed upon between said towns, and to make the necessary connections of the conduits or pipes of the town or towns so taking with the conduits or pipes of such remaining town or towns: *provided*, that nothing herein contained shall be construed to compel the town or towns so taking to make such connections or to furnish a supply of water to such remaining town or towns.

Either town, etc., accepting act, may supply remaining town, etc.

Proviso.

SECTION 10. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said towns, or any two of them jointly, or either of them separately, under the authority and for the purposes of this act, shall forfeit and pay to said towns so jointly, or to either of them so separately, owning, holding or using the same, three times the amount of damages assessed therefor, to be recovered in an action

Penalty for corrupting water or injuring property.

of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Water commissioners to be elected.

SECTION 11. Each of said towns shall, after its acceptance of this act, at a legal town meeting called for the purpose in each town, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by each town by ballot for the term of three years. All the authority granted to each of the said towns by this act, when acting separately, and not otherwise specifically provided for, shall be vested in the board of water commissioners of each town respectively, who shall be subject, however, to such instructions, rules and regulations as each town respectively may impose by its vote; the said commissioners of each town shall be trustees of the sinking fund herein provided for, of their respective towns, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund of their respective towns. Any vacancy, occurring in any of said boards from any cause, may be filled for the remainder of the unexpired term by the town to which such board belongs at any legal town meeting of such town, called for the purpose.

To be trustees of sinking fund.

Joint board of water commissioners.

SECTION 12. All authority conjointly granted to said towns, or to such of them as unite and jointly act as provided in section two, and not otherwise specially provided for, shall, for the purposes of taking waters, lands, rights of way and easements, for and during the construction of the joint water works and their appurtenances, be vested in the several boards of water commissioners of the towns which so unite and jointly act, and such boards acting jointly shall contract for and have the supervision, management and control of the construction of such joint water works and appurtenances, and all matters appertaining thereto; and when such joint water works are completed, all authority conjointly granted to said towns, or to such of them as unite and jointly act, shall be vested in a joint water board, to be composed of the chairman

of each board of water commissioners, for the time being, of the towns which so unite and jointly act, and such joint water board shall have the supervision, management and control of the waters jointly taken and held by such towns under this act, and the letting down of the same, and of all the water works, property and appurtenances jointly owned, held or used by such towns.

SECTION 13. The damages arising from the joint taking by said towns, or by such of them as unite and jointly act, of any waters, lands, rights of way or easements or from any other thing done by such towns acting jointly, and the cost, charges and expenses of the construction and maintenance and running of the joint water works and appurtenances, shall be borne and paid equally by the towns which unite and jointly act; and such towns shall jointly own, hold and use the same; and each of such towns shall be entitled to an equal share of said waters: *provided*, in case all of said towns accept this act, and at any time thereafter it becomes necessary, or it is deemed desirable, to increase the storage capacity and water supply of said Great Pond by erecting new dams or other new structures, the expense of the construction and maintenance thereof and all damages resulting therefrom, shall be borne and paid by the said towns in proportion to the benefits received by each town from such increase of storage capacity and water supply, reference being had to the existing condition of said towns at the time of the erection of said new dams or other structures. In case the said towns which unite and jointly act, or their officers or agents, appointed as provided in this act, cannot agree in any matter arising under or in carrying out the purposes of this act, then the matter in controversy shall be determined by three commissioners, to be appointed by the supreme judicial court, upon application of either of such towns, through its said officers or agents, and notice to the others, whose award when accepted by said court, shall be binding upon all parties.

Liability for damages.

Matters in dispute to be determined by commissioners appointed by the court.

SECTION 14. This act shall take effect, so far as the town accepting the same is concerned, upon its acceptance by a two-thirds vote of the voters of either of said towns mentioned in section one, present and voting thereon at a legal town meeting called for that purpose, in each of said towns, within one year from its passage; but the number of meetings called for that purpose, in each town, shall not exceed three: *provided*, that neither of said

Subject to acceptance by two thirds vote.

Proviso.

Proviso.

towns accepting this act shall proceed to take, by purchase or otherwise, either separately or jointly, any waters from the source mentioned in section two, until the expiration of one year from the passage of this act, unless the same has been accepted by all of the towns mentioned in section one within said year; *and provided*, that if all of said towns, or any two of them, accept this act within the time and in the manner herein prescribed, neither of such towns shall separately take any waters from said source, but the towns so accepting this act shall jointly take such waters, and jointly and separately act as herein provided.

*Approved May 8, 1885.*

**Chap. 218** AN ACT TO INCORPORATE THE SACHEM LODGE CEMETERY ASSOCIATION  
IN PEMBROKE.

*Be it enacted, etc., as follows:*

Sachem Lodge Cemetery Association, incorporated.

SECTION 1. Hiram Randall, Lewis Barstow, Nathan Keene, their associates and successors, are hereby made a corporation by the name of the Sachem Lodge Cemetery Association, for the purpose of acquiring, holding, managing and perpetuating a place for the burial of the dead in the town of Pembroke, with all the powers and privileges and subject to all the duties, restrictions and liabilities contained in general laws which now are or hereafter may be in force relating to similar corporations, except as otherwise herein provided.

May take and hold "the old burying ground."

SECTION 2. The said corporation may take and hold the real estate known as "the old burying ground," as now bounded and enclosed, containing about six acres of land situate in the town of Pembroke near the Duxbury line.

Proprietors of lots to be members of corporation.

SECTION 3. Any person who shall become proprietor of a lot in any lands acquired by said corporation, and any person who now is or may become a proprietor of a lot, whether by deed or otherwise, in the real estate mentioned in section two of this act, at such time as the same is taken by said corporation, shall be and become members of said corporation upon applying to the trustees hereinafter mentioned and receiving from the corporation a deed or certificate of ownership of such lot. And whenever any person shall cease to be the proprietor of a lot in the lands of said corporation he shall cease to be a member thereof.

SECTION 4. The officers of said corporation shall consist of three or more trustees, a clerk, a treasurer and such other officers as may be provided for by the by-laws. Such officers shall hold their offices for the term of one year or until others shall be chosen and qualified in their stead, unless otherwise provided in the by-laws. The treasurer shall give bond for the faithful discharge of his duties in such sum and with such sureties as shall be required by the by-laws.

Officers of the corporation.

SECTION 5. Any corporation or person claiming to be aggrieved by the provisions of this act may, at any time within one year after any taking of land authorized by this act, apply by petition to the superior court for the county of Plymouth, and his damages, if any, shall be assessed and determined in the manner provided in section one hundred and five and succeeding sections of chapter forty-nine of the Public Statutes for the assessment of damages for the taking of land for public purposes, and the same shall be paid by the said cemetery association.

Assessment of damages.

SECTION 6. This act shall take effect upon its passage.  
*Approved May 8, 1885.*

AN ACT TO INCORPORATE THE UTAH EMIGRANT AID AND IMPROVEMENT COMPANY.

*Chap. 219*

*Be it enacted, etc., as follows:*

SECTION 1. Amos A. Lawrence and Edward E. Hale of Boston and Eli Thayer of Worcester, all in the Commonwealth of Massachusetts, their associates, successors and assigns are hereby made a corporation by the name of Utah Emigrant Aid and Improvement Company, for the purposes of directing emigration to Utah and aiding in providing accommodations for emigrants after arriving in that territory and assisting in establishing among them manufacturing and other industries, and for these purposes to have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in chapter one hundred and five of the Public Statutes.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. The capital stock of such corporation shall not exceed one million dollars, which may be invested in real and personal estate: *provided*, that said corporation shall not hold real estate in this Commonwealth to an amount exceeding twenty thousand dollars.

Capital stock.

SECTION 3. This act shall take effect upon its passage.  
*Approved May 8, 1885.*

*Chap.*220 AN ACT RELATING TO LICENSES TO PLANT, GROW AND DIG OYSTERS,  
AND TO THE TAKING OF SCALLOPS.

*Be it enacted, etc., as follows:*

License not to  
be granted with-  
out a public  
hearing.

SECTION 1. No license shall be granted to plant, grow and dig oysters under sections ninety-seven, ninety-eight, ninety-nine, one hundred and one hundred and one of chapter ninety-one of the Public Statutes, and chapter two hundred and eighty-four of the acts of the year eighteen hundred eighty-four, without a public hearing upon the matter, due notice of which shall be given in writing, to be posted in three or more public places in the town in which the premises lie, at least seven days before the time fixed for such hearing.

Revocation of  
license.

SECTION 2. In case any person to whom such license shall be granted fails for two years thereafter to plant and grow oysters in the waters described in said license, the same shall be revoked by the officers who granted it, which revocation shall be recorded as provided in said section ninety-eight.

Penalty for  
taking more  
than 25 bushels  
of scallops.

SECTION 3. Whoever takes in any one day, between sunrise and sunset, more than twenty-five bushels of scallops, including the shells, for each boat actually employed by him in taking the same, shall be punished by a fine not exceeding twenty dollars for each offence.

Penalty for  
taking scallops  
between April  
15 and Sept. 1.

SECTION 4. Any person who at any time between the fifteenth day of April and the first day of September shall take scallops from any of the waters of the state by dredging, or by nets of any kind, or shall expose any scallops for sale within the state, or shall export the same, shall be punished by a fine not exceeding twenty dollars for each offence.

Penalty for  
using dredge,  
etc., upon pri-  
vate oyster beds.

SECTION 5. Whoever works a dredge, oyster tongs or rakes, or any other implement for the taking of shell fish of any description, upon any oyster grounds or beds, other than public grounds or beds, without the consent of the licensee, lessee or owner thereof, or who shall, while upon or sailing over any such grounds or beds, cast, haul, or have overboard any such dredge, tongs, rake or other implement for the taking of shell fish of any description, under any pretence or for any purpose whatever, without the consent of the licensee, lessee or owner, shall for the first offence be punished by a fine not exceeding twenty dollars or by imprisonment in jail not exceeding thirty

days, and for every subsequent offence shall be punished by a fine not exceeding fifty dollars, or by imprisonment in the house of correction or jail not exceeding six months.

SECTION 6. The selectmen of any town or mayor and aldermen of any city may designate one or more constables for the detection and prosecution of any violation of the laws of the state relating to shell fisheries, within their respective jurisdictions. Each of said constables so designated may without warrant arrest any person found violating any of said laws, and detain him for prosecution not exceeding twenty-four hours, and may seize any boat or vessel used in such violation, together with her tackle, apparel and furniture, with all implements belonging thereto, which shall be forfeited to the use of the town or city in which such seizure is made.

Constables may be designated for prosecution of violation of laws relating to shell fisheries.

*Approved May 11, 1885.*

AN ACT TO RATIFY AND CONFIRM THE PROCEEDINGS OF THE TOWN OF WEYMOUTH IN RELATION TO PROCURING A SUPPLY OF WATER FOR SAID TOWN.

*Chap. 221*

*Be it enacted, etc., as follows:*

SECTION 1. Chapter one hundred and sixty of the acts of the year eighteen hundred and eighty-three shall not be construed to repeal or in any way affect chapter one hundred and seventy-four of the acts of the year eighteen hundred and eighty-one, entitled "An Act to supply the town of Weymouth with Pure Water," and all acts done and all bonds and contracts made or issued by said town of Weymouth, or the inhabitants thereof, or any officer or agent of said town, in accordance with the provisions or in execution of the purposes of said last named act, are hereby ratified, confirmed and made valid.

Proceedings confirmed in relation to water supply.

SECTION 2. Chapter one hundred and sixty of the acts of the year eighteen hundred and eighty-three is hereby repealed.

Repeal of 1883, 160.

SECTION 3. This act shall take effect upon its passage.

*Approved May 12, 1885.*

*Chap. 222* AN ACT RELATING TO THE EMPLOYMENT OF CHILDREN IN MANUFACTURING AND OTHER ESTABLISHMENTS.

*Be it enacted, etc., as follows:*

Hours of employment of children in manufacturing, etc., establishments.

SECTION 1. Section one of chapter forty-eight of the Public Statutes as amended by chapter two hundred and twenty-four of the acts of the year eighteen hundred and eighty-three is amended so as to read as follows: — *Section 1.* No child under ten years of age shall be employed in any manufacturing, mechanical or mercantile establishment in this Commonwealth; and no child under twelve years of age shall be so employed at any time during the days in which the public schools are in session in the city or town in which he resides. Any parent or guardian who permits such employment shall for such offence forfeit not less than twenty nor more than fifty dollars for the use of the public schools of the city or town.

Penalty.

SECTION 2. This act shall take effect on the first day of July in the year eighteen hundred and eighty-five.

*Approved May 12, 1885.*

*Chap. 223* AN ACT TO PROVIDE FOR THE PUNISHMENT OF FRAUDULENT AGENTS, CLERKS, SERVANTS AND OFFICERS OF PERSONS, FIRMS AND CORPORATIONS.

*Be it enacted, etc., as follows:*

Punishment of fraudulent agents, officers and clerks.

Section fifty-six of chapter two hundred three of the Public Statutes is amended so as to read as follows: — *Section 56.* An agent, clerk, servant or officer of a person, firm or corporation who makes a false entry or omits to make a true entry in any book of such person, firm or corporation, with intent to defraud, and any person whose duty it is to make in any book of a corporation a record or entry of the transfer of stock, or of the issuing or cancelling of certificates thereof, or of the amount of stock issued by such corporation, who, with intent to defraud, omits to make a true record or entry thereof, shall be punished by imprisonment in the state prison not exceeding ten years, or in the house of correction not exceeding one year.

*Approved May 12, 1885.*

AN ACT IN RELATION TO THE PAYMENT OF THE SALARIES OF THE  
BOARD OF RAILROAD COMMISSIONERS, OF THE CLERK AND THE  
ACCOUNTANT OF SAID BOARD, AND OF THE INSPECTOR AND ASSAYER  
OF LIQUORS. *Chap. 224*

*Be it enacted, etc., as follows:*

SECTION 1. The salaries of the board of railroad commissioners, and of the clerk and the accountant of said board, and the salary of the inspector and assayer of liquors shall be paid monthly on the first day of each month. Salaries to be paid monthly.

SECTION 2. So much of section ten of chapter one hundred and twelve of the Public Statutes, and so much of section twenty-nine of chapter one hundred of the Public Statutes, as require the payment quarterly of the salaries of the officers named in section one of this act are hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

*Approved May 12, 1885.*

AN ACT TO PROTECT PERSONS USING PUBLIC LIBRARIES FROM DIS-  
TURBANCE. *Chap. 225*

*Be it enacted, etc., as follows:*

Whoever wilfully disturbs persons assembled in a public library or reading room connected therewith, by making a noise or in any other manner, during the time in which such library or reading room is open to the public, shall be punished by imprisonment in the jail not exceeding thirty days, or by fine not exceeding fifty dollars. Public libraries protected from disturbance under penalty.

*Approved May 12, 1885.*

AN ACT TO CONFIRM THE PROCEEDINGS OF CERTAIN TOWN MEETINGS  
OF THE TOWN OF GRAFTON. *Chap. 226*

*Be it enacted, etc., as follows:*

SECTION 1. The proceedings of the annual meeting of the town of Grafton held March second in the year eighteen hundred and eighty-five, and the adjourned meetings thereof, shall not be invalid for the reason that tellers were not appointed and sworn according to law to aid in checking the names of voters, and in sorting and counting the votes; and the election of town officers and other doings of said meetings are ratified and confirmed. Proceedings confirmed.

SECTION 2. This act shall take effect upon its passage.

*Approved May 12, 1885.*

*Chap.227* AN ACT TO ESTABLISH THE SALARY OF THE SECRETARY OF THE BOARD OF EDUCATION.

*Be it enacted, etc., as follows:*

Salary of secretary of the board of education.

SECTION 1. From and after January first, one thousand eight hundred and eighty-five, the secretary of the board of education shall receive an annual salary of three thousand dollars, and also four hundred dollars in full compensation for travelling expenses, to be paid out of the half of the school fund applicable for educational expenses; the incidental and other necessary expenses arising in his office shall be paid out of the treasury of the Commonwealth.

Repeal of P. S. 41, §§.

SECTION 2. Section eight of chapter forty-one of the Public Statutes is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

*Approved May 12, 1885.*

*Chap.228* AN ACT TO AUTHORIZE THE POUGHKEEPSIE, HARTFORD AND BOSTON RAILROAD COMPANY TO EXTEND ITS RAILROAD.

*Be it enacted, etc., as follows:*

Poughkeepsie, Hartford and Boston Railroad Company may extend its railroad within the Commonwealth.

SECTION 1. The Poughkeepsie, Hartford and Boston Railroad Company, a corporation created by and existing under the laws of the state of New York, or any corporation which may take or succeed to its rights, privileges and immunities, is hereby authorized to locate, construct, maintain and operate an extension of its railroad with one or more tracks, from a point in the boundary line between this Commonwealth and the state of New York, through the towns of Egremont, Great Barrington, Monterey, Otis, Sandisfield, Tolland, Granville, Blandford, Russell, Southwick, Westfield, Agawam and West Springfield to Chicopee or any intermediate point upon said route, such extension to be located, constructed, maintained and operated according to and in conformity with the provisions of the laws of this Commonwealth now existing or which may be passed with respect to railroads.

May mortgage road and equipment, etc.

SECTION 2. For the purpose of locating, constructing and equipping said railroad, said company may mortgage its road, equipment and franchise to an amount not exceeding twenty-five thousand dollars per mile for every mile of road bed already located or hereby authorized to be located.

Rights and duties.

SECTION 3. Said railroad company, or any corporation which shall take or succeed to its franchise, shall

have the rights, privileges and immunities, and be subject to the duties, taxes, liabilities and restrictions, created by all general laws now or hereafter in force in this Commonwealth relating to railroad corporations.

SECTION 4. Said corporation shall locate and construct the extension herein before authorized, before the first day of July, eighteen hundred and eighty-eight.

To be constructed before July 1, 1888.

SECTION 5. This act shall take effect upon its passage.

*Approved May 13, 1885.*

AN ACT IN RELATION TO THE CORRECTION OF RETURNS OF VOTES IN CERTAIN CASES.

*Chap. 229*

*Be it enacted, etc., as follows:*

SECTION 1. If, upon examination of the returned copies of votes as required by the forty-eighth and fiftieth sections of the seventh chapter of the Public Statutes, it shall appear to the board of examiners or county commissioners that any such copy is incomplete or erroneous, they may order a new copy of the votes to be made and transmitted in the manner provided for making and transmitting the original return. Said new copy shall be returned by the clerk of the city or town within seven days after the date of the order requiring the same to be made, and if adjudged to be correct and in conformity to the requirements of law shall thereupon have the same force and effect as an original return correctly made and transmitted.

Correction of incomplete returns of votes for county commissioners, etc.

SECTION 2. Any city or town officer wilfully neglecting or refusing to perform the duties required of him under the preceding section shall be liable to the penalty provided in the sixty-fifth section of the seventh chapter of the Public Statutes.

Penalty.

SECTION 3. When the board of examiners have examined new copies under the provisions of the first section of this act, the copies of votes shall be filed with the clerk, as required by the forty-ninth section of the seventh chapter of the Public Statutes, within three days after the examination is completed; and any one of them wilfully detaining in his custody such a copy three days after the time for filing has expired shall forfeit fifty dollars, and the same sum for each succeeding day of such detention.

Copies of votes to be filed with the clerk.

Penalty.

*Approved May 13, 1885.*

- Chap.230** AN ACT TO AUTHORIZE THE TOWN OF COHASSET TO LAY OUT A TOWN WAY AND BUILD A BRIDGE ACROSS TIDE WATER IN LITTLE HARBOR IN SAID TOWN.

*Be it enacted, etc., as follows:*

Town may lay out way and build bridge across Little Harbor.

SECTION 1. The town of Cohasset may, subject to the provisions of chapter nineteen of the Public Statutes, lay out a town way and build and maintain a bridge without a draw across Little Harbor in said town, from land of Alice Williams on the northerly side to land of Edward Cunningham on the southerly side thereof, and opposite to a private way running through the land of said Cunningham to Beach street; said bridge to be located within sixty feet on either side of the centre line of the location of the existing bridge across said Little Harbor.

A span bridge without piers.

SECTION 2. Said bridge shall be a span bridge and no piers or supports shall be erected under said bridge except the abutments at each end thereof.

SECTION 3. This act shall take effect upon its passage.

*Approved May 14, 1885.*

- Chap.231** AN ACT TO AUTHORIZE THE SOMERSET POTTERS' WORKS TO INCREASE ITS CAPITAL STOCK.

*Be it enacted, etc., as follows:*

May increase capital stock.

SECTION 1. The Somerset Potters' Works, incorporated by chapter thirty-four of the acts of the year eighteen hundred and forty-seven, is authorized to increase its capital stock to an amount which together with the amount heretofore authorized shall not exceed one hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved May 14, 1885.*

- Chap.232** AN ACT TO AUTHORIZE A DIKE AND BRIDGE ACROSS THE MOUTH OF BOURNE'S COVE IN WAREHAM.

*Be it enacted, etc., as follows:*

Dike across Bourne's Cove in Wareham.

SECTION 1. Stephen M. Weld and William Minot, junior, may build and maintain a dike or dam, and a bridge without a draw, across the mouth of Bourne's Cove, so called, in the town of Wareham, between and connecting their respective lands in said town; subject to approval by the board of harbor and land commissioners of the location, plans and manner of construction of the same, and to all the provisions of chapter nineteen of the Public Statutes applicable thereto.

SECTION 2. This act shall take effect upon its passage.

*Approved May 14, 1885.*

AN ACT TO AUTHORIZE THE GOSNOLD MILLS TO BUY AND SELL COAL *Chap.233*  
AND OTHER FUEL.

*Be it enacted, etc., as follows:*

SECTION 1. The Gosnold Mills, incorporated under May sell fuel.  
chapter sixty-seven of the acts of the year one thousand  
eight hundred and forty-eight for the purpose of manu-  
facturing cotton, wool and iron, or either of them, in the  
city of New Bedford, is hereby authorized to buy and sell  
coal and other fuel.

SECTION 2. This act shall take effect upon its passage.

*Approved May 14, 1885.*

AN ACT AUTHORIZING THE SURRENDER TO THE CORPORATION AND *Chap.234*  
THE CANCELLATION OF THE STOCK HERETOFORE ISSUED BY THE  
NEW ENGLAND CONSERVATORY OF MUSIC.

*Be it enacted, etc., as follows:*

SECTION 1. The New England Conservatory of Music May surrender  
and cancel  
shares of cap-  
ital stock.  
is hereby authorized to accept a transfer and surrender  
to itself of all the shares of capital stock heretofore issued  
by it and to cancel the shares so transferred and surren-  
dered, and thereafter said corporation shall have no power  
to issue any share or shares instead thereof, nor any share  
or shares of capital stock whatsoever; but notwithstand-  
ing such transfer, surrender, cancellation and disability  
said New England Conservatory of Music shall continue  
to exist as a corporation, and its trustees from time to  
time shall constitute the members thereof.

SECTION 2. Said corporation in addition to the powers May teach other  
branches of  
education.  
now possessed by it may teach art, oratory, languages  
and other branches of education.

SECTION 3. The said trustees and members of said Not to receive  
dividends.  
corporation shall never receive any dividends, income,  
profits or other pecuniary benefit from said corporation,  
except that they may be paid reasonable salaries and com-  
pensation for services rendered if they be officers or em-  
ployees thereof; and any violation of this section shall  
work a forfeiture by said corporation of all its corporate  
rights, powers and privileges. The provisions of this section  
may be enforced in the supreme judicial court on information  
filed or bill in equity brought by the attorney-general, or  
by bill in equity brought by any trustee of said corpora-  
tion or other person interested therein.

Annual sworn  
return to com-  
missioner of  
corporations.

SECTION 4. The treasurer of said corporation shall annually in the month of January make a return under oath to the commissioner of corporations in a form satisfactory to him setting forth the number of its pupils during the preceding year, and its total income, expenses and disbursements during such year, together with the names of all salaried officers and employees with the annual salary and compensation paid to each.

Transfer and  
cancellation to  
be made within  
one year.

SECTION 5. This act shall take effect upon its passage, but shall become void unless within one year thereafter satisfactory evidence be produced to the commissioner of corporations that the transfer, surrender and cancellation authorized by the first section of this act have been effected ; and the certificate of such commissioner that such transfer, surrender and cancellation were effected within the time limited shall be *prima facie* evidence thereof, and shall be received as such evidence in all the courts of the Commonwealth. Said certificate shall be recorded in the office of the secretary of the Commonwealth.

*Approved May 14, 1885.*

### Chap.235

#### AN ACT RELATING TO LEGAL ADVERTISEMENTS.

*Be it enacted, etc., as follows :*

Legal adver-  
tisements.

Any daily or weekly periodical devoted exclusively to legal news, which has been published in the Commonwealth for six consecutive months, shall be deemed a newspaper for the insertion of legal notices required by law, if the publication of such notice in such periodical is ordered by the court.

*Approved May 14, 1885.*

### Chap.236

#### AN ACT CREATING THE AMBULANCE CORPS OF THE MASSACHUSETTS VOLUNTEER MILITIA.

*Be it enacted, etc., as follows :*

Ambulance  
corps for each  
brigade.

SECTION 1. There shall be attached to each brigade of the Massachusetts Volunteer Militia an ambulance corps, to consist of one commissioned officer with the rank of second lieutenant, two sergeants and thirteen privates. The officers shall be medical officers, appointed by brigade commanders, and commissioned in accordance with existing laws ; the enlisted men to be enlisted by the lieutenants of said corps, and mustered into service by the assistant inspectors of brigades. The commissioned officers under this act shall receive the same pay and emolu-

Pay and emolu-  
ments.

ments as now received by second lieutenants of cavalry, and the enlisted men shall receive the same pay as now paid enlisted men of infantry. The corps constituted by this act shall be instructed in such manner as may from time to time be prescribed by the surgeon-general.

Instruction to be prescribed by the surgeon-general.

SECTION 2. This act shall take effect upon its passage.

*Approved May 14, 1885.*

AN ACT IN AMENDMENT OF SECTIONS FIVE AND SIX OF CHAPTER ONE HUNDRED AND TWENTY-SIX OF THE PUBLIC STATUTES RELATING TO JOINT TENANCY.

*Chap. 237*

*Be it enacted, etc., as follows :*

SECTION 1. Section five of chapter one hundred and twenty-six of the Public Statutes is amended by inserting in the second line immediately after the word "persons," the words "or to husband and wife," so as to read as follows : — Conveyances and devises of lands made to two or more persons, or to husband and wife, shall be construed to create estates in common and not in joint tenancy, unless it is expressed in such conveyance or devise that the grantees or devisees shall take the lands jointly, or as joint tenants, or in joint tenancy, or to them and the survivor of them.

Estates in common.  
P. S. 126, § 5.

SECTION 2. Section six of said chapter is amended by striking out after the word "trust," the words "or to husband and wife," so as to read as follows : — The preceding section shall not apply to mortgages, nor to devises or conveyances made in trust, nor to a devise or conveyance in which it manifestly appears from the tenor of the instrument that it was intended to create an estate in joint tenancy.

Amendment to  
P. S. 126, § 6.

*Approved May 15, 1885.*

AN ACT RELATING TO THE TAXATION OF TELEPHONE COMPANIES.

*Chap. 238*

*Be it enacted, etc., as follows :*

SECTION 1. Every corporation chartered by this Commonwealth, or organized under the general laws for the purpose of establishing, owning, using or licensing others to use electric speaking telephones or other apparatus and appliances pertaining to the transaction of telephonic business partly within and partly without this Commonwealth, and every such corporation organized or incorporated elsewhere and having any part of its lines or telephones in use in this Commonwealth, shall be subject to taxation

Telephone companies subject to taxation.

Proviso.

under the provisions of sections thirty-eight, thirty-nine and forty of chapter thirteen of the Public Statutes: *provided, however*, that the apportionment provided by said section forty shall be made upon the number of telephones in use by it, or under its authority or with its permission, or under any letters patent owned or controlled by it within and without this Commonwealth, respectively; and the returns to be made under said chapter thirteen shall state the facts required for such apportionment in such form as the tax commissioner may require and determine.

To be taxed for present year.

SECTION 2. This act shall take effect upon its passage; and a tax shall be laid and collected under the provisions thereof for the present year, in the same manner and to the same effect as if it had been in force on the first day of May.

*Approved May 15, 1885.*

### Chap. 239

#### AN ACT TO SUPPLY THE TOWN OF KINGSTON WITH WATER.

*Be it enacted, etc., as follows:*

Town of Kingston may supply itself with water.

SECTION 1. The town of Kingston may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; may establish fountains and hydrants, re-locate or discontinue the same; may regulate the use of such water, and fix and collect rates to be paid for the use of the same.

May take waters within town limits.

SECTION 2. The said town for the purposes aforesaid may take, by purchase or otherwise, and hold the waters of any pond, stream or spring within the limits of said town, and the water rights connected therewith, and also all lands, rights of way and easements necessary for holding and preserving such water, and for conveying the same to any part of said town of Kingston; and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures; and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads, or public or private ways, and along any such way, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said town may dig up

May dig up land, etc.

any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

SECTION 3. The said town shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded, in the registry of deeds for the county within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

To cause to be recorded in registry of deeds a description of land, etc., taken.

SECTION 4. The said town shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said town under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

Liability for damages.

Application for damages not to be made until water is actually taken.

SECTION 5. The said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time, bonds, notes or scrip, to an amount not exceeding in the aggregate fifty thousand dollars; such bonds, notes and scrip shall bear on their face the words "Kingston Water Loan;" shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually, at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town, and be countersigned by the water commissioners hereinafter provided for. The said town

Kingston Water Loan not to exceed \$50,000.

may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said town shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

Sinking fund to be provided.

May make annual proportionate payments.

SECTION 6. The said town, instead of establishing a sinking fund, may, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed, the amount required thereby shall, without further vote, be assessed by the assessors of said town in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

Amount of sinking fund to be stated in return.

SECTION 7. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whether action has been taken in accordance with the provisions of the preceding section, and the amounts raised and applied thereunder for the current year.

To raise by taxation sufficient for current expenses and interest.

SECTION 8. The said town shall raise annually, by taxation, a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works, and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Rights of Kingston Aqueduct Association not to be interfered with.

SECTION 9. Nothing herein contained shall be construed to authorize the said town to take, otherwise than by purchase, or interfere with, any of the estate, property, rights or privileges of the Kingston Aqueduct Association, located in said town. The said town may purchase the franchise, corporate property and all the rights and privileges of said corporation, at a price to be mutually agreed upon between said town and said corporation;

and the said corporation is authorized to make sale of the same to said town, and by such purchase said town shall become subject to all the liabilities and obligations to said corporation appertaining.

SECTION 10. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Penalty for polluting water or injuring property.

SECTION 11. The said town shall, after its acceptance of this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town by this act, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as said town may impose by its vote; the said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

Water commissioners to be elected.

To be trustees of sinking fund.

Vacancies.

SECTION 12. This act shall take effect upon its acceptance by a two-thirds vote of the voters of said town, present and voting thereon at a legal town meeting called for the purpose, within one year from its passage; but the number of meetings so called in said year shall not exceed three; at such meetings the votes shall be taken by written or printed ballots and the polls shall be kept open for at least four hours. At such meetings the selectmen shall

Subject to acceptance by two-thirds vote within one year.

preside, and in receiving said ballots the check list shall be used in the same manner as it is used at elections of national, state and county officers.

*Approved May 15, 1885.*

**Chap.240** AN ACT AUTHORIZING THE FORMATION OF CORPORATIONS FOR MAKING, SELLING AND DISTRIBUTING GAS FOR HEATING, COOKING, CHEMICAL AND MECHANICAL PURPOSES.

*Be it enacted, etc., as follows :*

Corporations for making gas for heating and mechanical purposes.

SECTION 1. The provisions of sections eleven, fifty-two and seventy-five of chapter one hundred and six of the Public Statutes are hereby extended so as to authorize the establishment and operation of corporations for the purpose of making, selling and distributing gas for heating, cooking, chemical and mechanical purposes. Said corporations shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to gas light companies : *provided, however*, that sections thirteen and fourteen of chapter sixty-one of the Public Statutes shall not apply to gas made and used exclusively for heating, cooking, chemical and mechanical purposes.

Proviso.

Gas used for domestic purposes to have flue connected with the open air.

SECTION 2. Such gas shall not be used for domestic purposes unless connected with a chimney or flue having direct connection with the open air : *provided, however*, that nothing in this section shall be construed to apply to illuminating gas as defined by the provisions of section fourteen, chapter sixty-one of the Public Statutes. Any violation of this section shall be punished by a fine not exceeding twenty dollars for each and every offence.

Penalty.

SECTION 3. This act shall take effect upon its passage.

*Approved May 15, 1885.*

**Chap.241** AN ACT RELATING TO FOREIGN FIDELITY INSURANCE COMPANIES.

*Be it enacted, etc., as follows :*

Foreign fidelity insurance companies.

SECTION 1. Foreign corporations organized for the purpose of guaranteeing the fidelity of persons and of acting as surety on bonds, when duly admitted to do business in this Commonwealth, may transact such business, act and be accepted as surety, in the same manner, to the same extent and under the same conditions as

corporations organized under chapter two hundred and ninety-six of the acts of the year eighteen hundred and eighty-four.

SECTION 2. So much of section one of chapter one hundred and forty-three of the Public Statutes as requires the sureties on every bond given to the judge of a probate court to be inhabitants of this Commonwealth shall not apply to such foreign corporations.

May be surety  
on bonds to the  
judge of  
probate.

SECTION 3. This act shall take effect upon its passage.

*Approved May 15, 1885.*

AN ACT GIVING PROBATE COURTS AUTHORITY TO GRANT ORIGINAL ADMINISTRATION AFTER THE EXPIRATION OF TWENTY YEARS FROM THE DEATH OF AN INTESTATE.

*Chap. 242*

*Be it enacted, etc., as follows:*

SECTION 1. Section four of chapter one hundred and thirty of the Public Statutes is amended so as to read as follows: — *Section 4.* When administration has not been taken on the estate of an intestate within twenty years after his decease, if any property, or claim or right thereto, belongs or thereafter accrues to such estate, and remains to be administered, the probate court may, for good cause shown, grant original administration on such property, but such administration shall affect no other property.

Original admin-  
istration after  
twenty years.

SECTION 2. This act shall take effect upon its passage.

*Approved May 19, 1885.*

AN ACT TO AMEND THE CHARTER OF THE CITY OF BROCKTON.

*Chap. 243*

*Be it enacted, etc., as follows:*

SECTION 1. Section fourteen of chapter one hundred and ninety-two of the acts of the year eighteen hundred and eighty-one is hereby amended by inserting the words “city engineer” after the words “city physician” in the fifth line thereof.

Charter of city  
of Brockton  
amended.

SECTION 2. The said act is further amended by striking out the whole of section twenty-six, and by inserting in place thereof the following: — *Section 26.* The city council shall have exclusive authority and power to lay out, accept, alter, widen or discontinue streets and ways in said city, and shall estimate and assess all damages occasioned thereby; but all petitions and questions relating to the same shall first be acted upon by the mayor and

Streets to be  
laid out, etc., by  
city council.

aldermen of said city. Any person dissatisfied with the decision of the city council in the estimate of damages under this provision, shall have all the rights and privileges now allowed by law in appeals from decisions of selectmen as provided in chapter forty-nine of the Public Statutes. No street or way shall hereafter be opened in said city over any private land by the owner or owners thereof, and dedicated to, or permitted to be used by the public, of a less width than forty feet, except with the consent of the mayor and aldermen in writing first had and obtained for that purpose.

Not to be of less width than forty feet.

Police force.

SECTION 3. The said act is further amended in the twelfth section thereof by striking out the words, "and fill the vacancy or vacancies so made by appointment; but at the next meeting of the board of aldermen, he shall nominate as provided in this act," in the tenth, eleventh and twelfth lines thereof, and inserting in place thereof as follows: "except that the members of the regular police force shall hold office until they resign therefrom, or are removed for cause, the mayor having the power to suspend any such officer for cause for a period not exceeding thirty days."

Board of health.

SECTION 4. Said act is hereby amended by striking out the whole of the thirtieth section and inserting in the place thereof the following:—*Section 30.* The board of health shall consist of three persons who shall be appointed by the mayor and aldermen in the year one thousand eight hundred and eighty-five, and shall hold office one for one year, one for two years, and one for three years from the first Monday of February of said year. The mayor and aldermen annually thereafter in the month of January shall appoint one person to be a member of said board, who shall hold office for the term of three years, commencing on the first Monday of February next after such appointment. The city physician shall be physician to the board, and shall render such service as they may require. Said board shall determine the amount of all fees, charges and compensation of persons employed by them in the execution of the health laws, and of their own regulations. The mayor and aldermen may at any time remove members of said board for cause, and whenever a vacancy shall occur therein it shall forthwith be filled for the unexpired term by the mayor, with the approval of the aldermen. Except as herein provided, said

City physician.

board shall have all the powers, and be subject to all the duties and liabilities, specified in sections eight to ninety-five, inclusive, of chapter eighty of the Public Statutes. The compensation of said board shall be fixed by concurrent vote of the city council.

SECTION 5. Whenever a vacancy shall occur in the office of assistant assessor or member of the school committee from failure of the legal voters of said city to elect, or from death, resignation or removal, the city council by ballot in joint convention shall fill such vacancy. Section twenty-three of said act, and chapter one hundred and thirty-six of the acts of the year eighteen hundred and eighty-three, entitled an act to amend the charter of the city of Brockton relative to the election of school committee and assistant assessors, are hereby repealed.

Vacancy in office of assistant assessor or in school committee.

SECTION 6. The twenty-fifth section of said chapter one hundred and ninety-two of the acts of the year one thousand eight hundred and eighty-one is hereby amended by adding at the end thereof as follows: — No sum appropriated for a specific purpose shall be expended for any other purpose except by a two-thirds vote of the entire number of the members of each branch of the city council; and no expenditure shall be made nor liability incurred by or in behalf of the city until an appropriation has been duly voted by the city council, sufficient to meet such expenditure or liability, together with all prior unpaid liabilities which are chargeable to the appropriation, excepting, however, that in the first three months of the financial year liabilities payable out of the appropriations to be met by the annual tax levy next to be laid, may be incurred to an amount not exceeding one-fourth of the total of the appropriations for the preceding year.

Appropriations.

SECTION 7. This act shall take effect upon its passage.

*Approved May 19, 1885.*

AN ACT TO UNITE THE BOSTON COMMERCIAL EXCHANGE AND THE BOSTON PRODUCE EXCHANGE IN ONE CORPORATION UNDER THE NAME OF THE BOSTON CHAMBER OF COMMERCE.

*Chap. 244*

*Be it enacted, etc., as follows:*

SECTION 1. The Boston Commercial Exchange and the Boston Produce Exchange, each a corporation duly established under the laws of this Commonwealth, are hereby authorized to unite and form one corporation under the name of the Boston Chamber of Commerce, upon such

The Boston Commercial Exchange and the Boston Produce Exchange may unite and form one corporation.

Powers and  
duties.

terms as may be agreed upon between said Boston Commercial Exchange and said Boston Produce Exchange. And said new corporation when so formed shall have all the rights, powers, franchises and privileges now held by, and be subject to all the liabilities, restrictions and duties now imposed upon, either of said existing corporations. And each of said existing corporations is hereby authorized and empowered to assign, transfer and convey to said new corporation all its rights, privileges, interests, estates and property, and said new corporation is authorized to receive, accept and hold the same, and shall thereupon become and be liable for all the debts or liabilities of either of said corporations.

Obligations not  
impaired.

SECTION 2. This act shall not in any way impair any obligation under which either of said existing corporations may be to any member thereof, in respect to any gratuity or other fund; but said new corporation, when formed as aforesaid, is authorized and empowered to assume, perform and discharge the same.

Boston Chamber  
of Commerce.

SECTION 3. The said Boston Chamber of Commerce is hereby authorized and empowered to hold real and personal estate to an amount not exceeding one million dollars.

Real and per-  
sonal estate.

First meeting of  
the corporation.

SECTION 4. The first meeting of the corporation hereby authorized to be formed shall be called by the presidents of the two existing corporations, by a notice setting forth the time and place of said meeting and published in some newspaper in the city of Boston seven days before said meeting, and at such meeting all members, holding a certificate of membership in either of said corporations, shall be entitled to vote in like manner as they would have been if said corporations had met separately.

Subject to ac-  
ceptance within  
one year.

SECTION 5. This act shall take effect upon its passage, but shall be void unless accepted within one year thereafter by each of said existing corporations at meetings called for that purpose.

*Approved May 21, 1885.*

## Chap. 245

AN ACT TO AMEND THE CHARTER OF THE LAGOON POND COMPANY  
IN DUKES COUNTY.

*Be it enacted, etc., as follows:*

Pond may be  
used for storing  
food fishes.

SECTION 1. The Lagoon Pond Company in Dukes County, incorporated by chapter eighty-seven of the acts of the year eighteen hundred and fifty-seven for the purpose of creating a herring and perch fishery, is hereby

authorized to use the pond above the dam at Long Point for the purpose of storing therein food fishes.

SECTION 2. Said corporation shall during the occupancy of said pond for storing food fishes be required to post notices of the fact of such occupancy on the shores of said pond; and during such occupancy said corporation and its agents shall have the exclusive right to take fish therefrom, except that any person may spear eels or dig clams therefrom. Notices to be posted.

SECTION 3. Whoever without leave from said corporation, during the occupancy of said pond for storing food fishes, takes fish therefrom, except as provided in section two of this act, shall be punished by a fine of not less than five nor more than fifty dollars. Penalty.

SECTION 4. Trial justices may enforce the penalties provided by this act. Trial justices may enforce penalties.

*Approved May 21, 1885.*

AN ACT TO PROVIDE FOR THE APPOINTMENT OF TEMPORARY REGISTRARS OF VOTERS. Chap. 246

*Be it enacted, etc., as follows:*

Whenever any member of the board of registrars of voters, provided for by section fourteen of chapter two hundred and ninety-eight of the acts of the year eighteen hundred and eighty-four, shall be incapacitated by sickness or other cause from performing the duties of his office, or shall be absent, at the time of any meeting of said board, from the city or town in which he is appointed, the selectmen of such town by a writing signed by them or a majority of them, or the mayor of such city, may upon the request in writing of a majority of the remaining members of said board of registrars, appoint some person, qualified as provided in said section, temporarily to fill the vacancy caused as aforesaid. The person so appointed shall be of the same political party as the member of said board of registrars whose position he temporarily fills. Such temporary registrar shall take and subscribe an oath faithfully to perform the duties of his office, shall perform the same duties, have the same powers and be subject to the same restrictions and penalties during the time he holds his office as are now provided by law for duly appointed and qualified registrars of voters. Temporary registrars of voters may be appointed.

To be sworn.

*Approved May 21, 1885.*

**Chap. 247** AN ACT TO REPEAL AN ACT FOR THE PROTECTION OF STRIPED BASS  
AND BLUEFISH IN THE WATERS OF EDGARTOWN.

*Be it enacted, etc., as follows:*

Repeal of  
1882, 65.

SECTION 1. Chapter sixty-five of the acts of the year eighteen hundred and eighty-two is hereby repealed and no penalty shall hereafter be enforced for its violation.

SECTION 2. This act shall take effect upon its passage.

*Approved May 22, 1885.*

**Chap. 248** AN ACT TO PREVENT THE COUNTERFEITING OF BALLOTS.

*Be it enacted, etc., as follows:*

Ballots not to be  
counterfeited.

SECTION 1. The president, secretary and treasurer, or any two of such officers, of any political committee may place or cause to be placed upon the face of any ballot prepared by them for use at any election a printed certificate signed with their names importing that such ballot is the regular and genuine ballot of the political party for the use of which it is prepared, and may file a copy of such certificate so signed and intended to be so placed on such ballot, subject to public inspection, with the city or town clerk of the city or town in which such votes or ballots are to be used, at least seven days before the day of such election, together with notice of the fact that such form of certificate is intended to be so used at such election, and with a sufficient designation of the political party for the use of which such ballots are prepared.

Penalties.

SECTION 2. Any person who knowingly makes, prints, issues, distributes or delivers, or causes or procures to be made, printed, issued, distributed or delivered, any false, forged, fraudulent or counterfeit certificate or imitation of any certificate, such as is described in section one, or any false, forged, fraudulent or counterfeit vote or ballot bearing such certificate or imitation thereof, shall be punished by imprisonment in the house of correction for a term not exceeding three years, or by a fine not exceeding one thousand dollars.

*Approved May 22, 1885.*

**Chap. 249** AN ACT TO AUTHORIZE THE CITY OF BOSTON TO TAKE LAND FOR ITS  
IMPROVED SYSTEM OF SEWERAGE.

*Be it enacted, etc., as follows:*

May take land  
for improved  
system of  
sewerage.

SECTION 1. The board of aldermen of the city of Boston, for the purposes of building and maintaining the system of sewers of said city and discharging sewage

therefrom, may from time to time take in fee for the city of Boston any land that they deem necessary for the said purposes on or near the line of the sewer and tunnel described in section one of chapter one hundred and thirty-six of the acts of eighteen hundred and seventy-six.

SECTION 2. Said board of aldermen shall within sixty days from the taking of any lands as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county in which such lands are situate a description of the lands so taken, as certain as is required in a common conveyance of lands, with a statement of the purposes for which the same were taken, which description and statement shall be signed by the mayor.

Description of the land taken to be recorded in registry of deeds.

SECTION 3. The city of Boston shall pay all damages that shall be sustained by any person in property by the taking of any lands as aforesaid; and if any person sustaining damages fails to agree with such city as to the amount of damages sustained, the damages shall be assessed and determined by a jury of the superior court for the county in which such lands are situate, on the written application of either party therefor, to be made within two years after the taking of such lands; but no such application shall be made after the expiration of said two years; and upon said application, after such notice as said court shall order to the adverse party, a trial may be had at the bar of said court, in the same manner as other civil cases are there tried by jury; and costs shall be taxed for the prevailing party as in other civil cases.

Liability for damages.

SECTION 4. This act shall take effect upon its passage.

*Approved May 22, 1885.*

AN ACT TO ESTABLISH THE SALARY OF THE SECOND ASSISTANT CLERK OF THE SUPERIOR COURT FOR CIVIL BUSINESS IN THE COUNTY OF SUFFOLK.

*Chap. 250*

*Be it enacted, etc., as follows:*

SECTION 1. The annual salary of the second assistant clerk of the superior court for civil business in the county of Suffolk shall be twenty-five hundred dollars, beginning with the first day of January eighteen hundred and eighty-five.

Salary established.

SECTION 2. This act shall take effect upon its passage.

*Approved May 22, 1885.*

*Chap.*251 AN ACT TO AUTHORIZE THE CONSTRUCTION OF A BRIDGE OVER GREEN HARBOR RIVER IN MARSHFIELD.

*Be it enacted, etc., as follows :*

Bridge over  
Green Harbor  
River.

SECTION 1. The county commissioners of Plymouth County, whenever a majority of the legal voters of Marshfield present and voting at a town meeting duly called for the purpose shall request them by vote so to do, are hereby authorized to construct a bridge with a suitable draw to accommodate navigation over Green Harbor River in Marshfield, at a point not less than two thousand feet above the mouth of said river, subject to the provisions of chapter nineteen of the Public Statutes.

Cost of con-  
struction to be  
apportioned  
among towns,  
etc.

SECTION 2. The county commissioners may borrow such sum or sums of money, on the credit of the county of Plymouth, as may be necessary to carry into effect the provisions of this act ; and they shall determine what cities and towns receive a particular or special benefit from the construction of such bridge, and assess upon them the cost of construction, in such manner and in such proportions as they shall deem equitable and just. The cost of repairing and maintaining said bridge shall be borne and paid by the town of Marshfield. Said commissioners, except as aforesaid, may proceed in the same manner as is now by law provided for laying out and constructing highways and collecting the costs thereof.

To be main-  
tained by town  
of Marshfield.

SECTION 3. This act shall take effect upon its passage.

*Approved May 22, 1885.*

*Chap.*252 AN ACT REGULATING THE BUSINESS OF MAKING SMALL LOANS SECURED BY DEPOSITING WITH THE LENDER HOUSEHOLD GOODS, WEARING APPAREL, OR ARTICLES OF PERSONAL USE OR ORNAMENT.

*Be it enacted, etc., as follows :*

Business of  
loaning money  
secured by  
depositing  
household  
goods, etc.,  
regulated.

All persons who are engaged in the business of loaning money or its equivalent in sums less than one hundred dollars on collateral security represented by household goods, wearing apparel, or articles of personal use or ornament, or on notes secured by pledge or mortgage of any such property, when such property is deposited with the person making the loan, shall so far as relates to such business be subject to the provisions of sections thirty-three, thirty-four, thirty-five and thirty-six of chapter one hundred and two of the Public Statutes in the same manner and to the same extent as pawnbrokers.

*Approved May 22, 1885.*

AN ACT TO AUTHORIZE THE FITCHBURG RAILROAD COMPANY TO  
PURCHASE THE ASHBURNHAM RAILROAD. *Chap. 253*

*Be it enacted, etc., as follows :*

SECTION 1. The Fitchburg Railroad Company is hereby authorized to purchase the capital stock of the Ashburnham Railroad Company, and whenever it shall have purchased all of said stock said Ashburnham Railroad Company shall cease to exist as a corporation, and the Fitchburg Railroad Company shall thereupon enjoy and be invested with all the powers, privileges and franchise now enjoyed by the Ashburnham Railroad Company, and shall be subject to all the debts, restrictions and liabilities of said last named company.

Fitchburg Railroad Company may purchase stock of Ashburnham Railroad.

SECTION 2. This act shall take effect upon its passage.

*Approved May 22, 1885.*

AN ACT RELATING TO EXPENSES INCURRED BY OFFICERS IN THE  
SERVICE OF PRECEPTS IN CRIMINAL CASES. *Chap. 254*

*Be it enacted, etc., as follows :*

Section nine of chapter one hundred ninety-nine of the Public Statutes is amended so as to read as follows : — In the service of any precept in criminal cases the officer shall be allowed the actual, reasonable and necessary expenses incurred in going or returning with the prisoner, and if he necessarily uses a horse and carriage, and uses his own, he shall be allowed therefor fifteen cents a mile for the distance travelled one way, and if he uses the horse and carriage of another he shall be allowed the amount actually expended by him for the use of such horse and carriage, but no allowance for the use of a horse and carriage shall be made unless the officer certifies that it was necessary for him to use a horse and carriage and that he actually used such conveyance the distance and paid therefor the amount set forth in his certificate ; and in the service of a mittimus, if the journey from the town where the prisoner is held to the town where he is to be committed can be performed by railroad, no allowance shall be made for the use of a horse and carriage.

Expenses of officers in service of precepts in criminal cases.

*Approved May 22, 1885.*

*Chap.255* AN ACT RELATING TO THE POWERS OF MARRIED WOMEN IN THE DISPOSAL OF THEIR SEPARATE ESTATE BY WILL OR DEED.

*Be it enacted, etc., as follows:*

Powers of married women in disposal of separate estate by will or deed.

SECTION 1. Section six of chapter one hundred and forty-seven of the Public Statutes as amended by chapter three hundred and one of the acts of the year eighteen hundred and eighty-four is hereby amended so as to read as follows: — *Section 6.* A married woman may make a will in the same manner and with the same effect as if she were sole, except that such will shall not, without the husband's written consent, operate to deprive him of his tenancy by the curtesy in her real estate, or of the right to the use of one-half of such real estate for his life, if they have had no issue born alive, or of more than one-half of her personal estate. A married woman deserted by or living apart from her husband, for a justifiable cause, when the proper court having jurisdiction of the parties and the cause of action shall have entered a decree establishing the fact of such desertion by or living apart from her husband for justifiable cause, may make a will in the same manner and with the same effect as if she were sole, and may by such will, or under such circumstances by deed, without her husband's written consent, dispose of all her real and personal estate.

Amendment to P. S. 124, § 1.

SECTION 2. Section one of chapter one hundred and twenty-four of the Public Statutes is amended by striking out the words "If his wife does not provide otherwise by her will," in the sixth and seventh lines of said section one.

SECTION 3. This act shall take effect upon its passage.

*Approved May 22, 1885.*

*Chap.256* AN ACT PROVIDING FOR THE ENFORCEMENT OF AN ACT FOR THE PROTECTION OF LOBSTERS.

*Be it enacted, etc., as follows:*

Protection of lobsters.

SECTION 1. For the purpose of enforcing the provisions of chapter two hundred and twelve of the acts of the year eighteen hundred and eighty-four, relative to the protection of lobsters, either of the commissioners on inland fisheries, personally or by deputy, or any member of the district police detailed by the governor as provided in said chapter, may search in suspected places for, seize and

remove, lobsters taken, held or offered for sale in violation of the provisions of said chapter.

SECTION 2. This act shall take effect upon its passage.

*Approved May 22, 1885.*

AN ACT MAKING ADDITIONAL APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE LYMAN SCHOOL FOR BOYS. Chap.257

*Be it enacted, etc., as follows:*

The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, for the purposes specified herein, to wit: — For the payment of salaries at the Lyman School for Boys at Westborough, for the term of six months ending on the thirty-first day of December in the year eighteen hundred and eighty-five, a sum not exceeding six thousand dollars, in addition to the six thousand five hundred dollars appropriated by chapter twenty of the acts of the present year.

Appropriations  
Lyman School  
for Boys:

Salaries.

For the payment of other expenses at the Lyman School for Boys at Westborough, for the term of six months ending on the thirty-first day of December in the year eighteen hundred and eighty-five, a sum not exceeding nine thousand four hundred dollars, in addition to the eight thousand five hundred dollars appropriated by chapter twenty of the acts of the present year.

Expenses.

*Approved May 22, 1885.*

AN ACT IN RELATION TO THE SALE OF REAL ESTATE BY GUARDIANS AT PRIVATE OR PUBLIC SALE. Chap.258

*Be it enacted, etc., as follows:*

SECTION 1. Section eighteen of chapter one hundred and forty of the Public Statutes is hereby amended by striking out the words, "that the right or interest of such ward for the sale of which the license is requested, is a fractional share or part, or a right and interest in common with others, and," in the third, fourth and fifth lines thereof. So that said section as amended shall read as follows: — *Section 18.* When it appears by the petition of a guardian for a license to sell the real estate of his ward and upon a hearing on such petition, that an advantageous offer for the purchase thereof has been previously made to the petitioner, and that the interest of all parties concerned will be best promoted by an acceptance of such offer, the court having jurisdiction of such petition may

Sale of real  
estate by guar-  
dians, at public  
or private sale.

authorize a sale and conveyance at private sale, in accordance with such offer, or upon such terms as may be adjudged best, whether with or without public notice; but a guardian so authorized to sell real estate at private sale may notwithstanding sell such estate by public auction if he deems it best so to do.

SECTION 2. This act shall take effect upon its passage.

*Approved May 22, 1885.*

*Chap. 259* AN ACT IN ADDITION TO "AN ACT TO AUTHORIZE THE EASTERN RAILROAD COMPANY TO ISSUE PREFERRED STOCK IN EXCHANGE FOR CERTIFICATES OF INDEBTEDNESS."

*Be it enacted, etc., as follows:*

Dividends on preferred stock may be paid by Boston and Maine Railroad.

SECTION 1. Dividends on the preferred stock of the Eastern Railroad Company, authorized by chapter one hundred and seventy-seven of the acts of the year eighteen hundred and eighty-two, may, if said company, and the Boston and Maine Railroad shall so agree, and unless some other disposition of the earnings is required by any existing contract or by any law having the force or effect of a contract, be paid by the latter company, under its lease from said Eastern Railroad Company, recorded with Suffolk Deeds, lib. 1661, fol. 161, and during the continuance thereof, out of gross earnings as defined in said lease and as a charge thereon having the same priority under said lease as the interest upon the certificates of indebtedness for which said preferred stock shall be issued in exchange.

Notice to be issued to stockholders before preferred stock is issued.

SECTION 2. Before preferred stock is issued under the provisions of this act, notice of such contemplated issue shall be published as in case of meetings of certificate holders for the election of directors. Said notice shall invite proposals from certificate holders for the conversion of certificates of indebtedness into preferred stock, par for par, and shall fix a time, not less than sixty days, after which proposals will not be received. Said preferred stock shall be issued in accordance with such proposals, unless the aggregate of the certificates proposed for exchange shall exceed the total of the preferred stock to be issued, in which case the same shall be allotted between the parties pro rata.

SECTION 3. This act shall take effect upon its passage.

*Approved May 25, 1885.*

AN ACT PROVIDING FOR GRANTING ADMINISTRATION WITHOUT *Chap.260*  
NOTICE IN CERTAIN CASES.

*Be it enacted, etc., as follows:*

SECTION 1. Administration of the estate of an intestate may be granted to one or more of his next of kin, when the widow of the deceased and all his other next of kin resident in the Commonwealth, who are of full age and legal capacity, consent in writing thereto. And the notice required by law may be dispensed with as if all parties entitled thereto had signified their assent or waived notice. Administration may be granted without notice, when parties in interest consent in writing.

SECTION 2. This act shall take effect upon its passage.

*Approved May 25, 1885.*

AN ACT AUTHORIZING SELECTMEN TO APPOINT TELLERS IN TOWN *Chap.261*  
MEETINGS.

*Be it enacted, etc., as follows:*

SECTION 1. Selectmen, when required to preside at town meetings, may appoint tellers to aid them in checking the names of voters, or in assorting and counting votes. Such tellers shall be sworn to the faithful discharge of their duties. Selectmen presiding at town meetings may appoint tellers.

SECTION 2. Such tellers shall be appointed in equal numbers from the two political parties which cast the largest number of votes in the Commonwealth at the annual election next preceding their appointment. To be selected from the largest two political parties.

SECTION 3. Every such teller shall be subject to the same penalties to which the officer so appointing him is subject, in the performance of the duties in which such teller assists. Penalties.

*Approved May 25, 1885.*

AN ACT TO PROVIDE FOR RECOUNTING BALLOTS CAST IN CITIES UPON *Chap.262*  
THE QUESTION OF GRANTING LICENSES FOR THE SALE OF INTOXICATING LIQUORS.

*Be it enacted, etc., as follows:*

SECTION 1. If, within fourteen days after the day of the municipal election in any city, ten or more qualified voters in said city shall file with the city clerk a statement in writing that they have reason to believe that the returns of ballots cast under the provisions of section five of chapter one hundred of the Public Statutes are erroneous, said clerk shall forthwith transmit said statement to the board of aldermen of said city, and said board shall with- Ballots on question of licenses in cities may be recounted.

in ten days thereafter recount said ballots, and declare the result, and their record of said recount shall stand as the true result of the vote cast in said city under said section.

Provisions of  
1884, 299, §§ 22-  
26 to apply.

SECTION 2. Sections twenty-two, twenty-three, twenty-four, twenty-five and twenty-six of chapter two hundred and ninety-nine of the acts of the year eighteen hundred and eighty-four shall apply to the recount of ballots provided for in section one of this act.

*Approved May 25, 1885.*

**Chap. 263** AN ACT TO ESTABLISH THE SALARY OF THE TREASURER AND RECEIVER-GENERAL.

*Be it enacted, etc., as follows:*

Salary estab-  
lished.

SECTION 1. The salary of the treasurer and receiver-general shall be five thousand dollars per annum beginning on the first day of January eighteen hundred and eighty-five.

SECTION 2. This act shall take effect upon its passage.

*Approved May 25, 1885.*

**Chap. 264** AN ACT AUTHORIZING THE TRUSTEES OF THE MINISTERIAL FUND IN THE FIRST PARISH IN CAMBRIDGE TO MAKE CERTAIN INVESTMENTS.

*Be it enacted, etc., as follows:*

May invest in  
such securities  
as are allowed  
to savings  
banks, etc.

SECTION 1. The Trustees of the Ministerial Fund in the First Parish in Cambridge, incorporated under chapter seventy-four of the acts of the year eighteen hundred and sixteen, are hereby authorized to invest all or any part of the money belonging to said fund in such securities as savings banks are allowed to invest in by the first, second, third, fourth and sixth clauses of section twenty of chapter one hundred and sixteen of the Public Statutes, and acts additional thereto, or in such first mortgage railroad bonds as said trustees or a majority of them shall approve.

SECTION 2. This act shall take effect upon its passage.

*Approved May 25, 1885.*

**Chap. 265** AN ACT AUTHORIZING THE FORMATION OF CORPORATIONS FOR THE PURPOSE OF CREMATING THE BODIES OF THE DEAD.

*Be it enacted, etc., as follows:*

Corporations  
may be formed  
for cremating  
the bodies of the  
dead.

SECTION 1. Any five or more persons may associate themselves together in the manner prescribed by chapter one hundred and six of the Public Statutes, with a capital

of not less than six thousand, nor more than fifty thousand dollars, for the purpose of providing the necessary appliances and facilities for the proper disposal by incineration of the bodies of the dead ; and corporations so established shall have the same powers and privileges and be subject to the same duties, liabilities and restrictions as other corporations established under said chapter, except as hereinafter provided. The par value of shares in the capital stock of corporations organized under the provisions of this act shall be either ten or fifty dollars.

SECTION 2. Every such corporation may acquire by gift, devise or purchase, and hold in fee simple so much real estate not exceeding in value fifty thousand dollars, as may be necessary for carrying out the objects connected with and appropriate to the purposes of said corporation, and situated in such place as the state board of health, lunacy and charity may determine to be suitable for said objects and purposes. No building shall be erected, occupied or used by such corporation until the location and plans thereof, with all details of construction, have been submitted to and approved by said board or some person designated by it to examine them.

May hold real estate not exceeding \$50,000 in value.

Location and plan of buildings to be approved by the state board of health.

SECTION 3. Every such corporation may make by-laws and regulations consistent with law and subject to the approval of said state board, for the reception and cremation of bodies of deceased persons, and for the disposition of the ashes remaining therefrom, and shall carry on all its business in accordance with such regulations as said board shall from time to time establish and furnish in writing to the clerk of the corporation, and for each violation of said regulations it shall forfeit not less than twenty nor more than five hundred dollars.

May make by-laws and regulations.

SECTION 4. No body of a deceased person shall be cremated within forty-eight hours after decease, unless death was occasioned by contagious or infectious disease ; and no body shall be received or cremated by said corporation until its officers have received the certificate or burial permit required by law before burial, together with a certificate from the medical examiner of the district within which the death occurred, that he has viewed the body and made personal inquiry into the cause and manner of death, and is of opinion that no further examination nor judicial inquiry concerning the same is necessary. For such view, inquiry and certificate he shall receive the fees pre-

Body not to be cremated within forty-eight hours after decease, except, etc.

Medical examiner to view and give certificate.

scribed by section nine of chapter twenty-six of the Public Statutes for a view without an autopsy by examiners in counties other than Suffolk County. Medical examiners within their respective districts shall make such view and inquiry upon application therefor and payment or tender of said fees.

SECTION 5. This act shall take effect upon its passage.

*Approved May 26, 1885.*

### Chap. 266

AN ACT TO AMEND THE CHARTER OF THE CITY OF BOSTON.

*Be it enacted, etc., as follows :*

Officers and boards to be appointed by mayor and confirmed by aldermen.

SECTION 1. The mayor of the city of Boston shall appoint, subject to confirmation by the board of aldermen, all officers and boards now elected by the city council or board of aldermen, or appointed by him subject to confirmation, and all whose offices may hereafter be established by the city council or board of aldermen, for such terms of service respectively, as are or may be fixed by law or ordinance; and he may remove any of said officers or members of such boards for such cause as he shall deem sufficient and shall assign in his order for removal. No appointment made by the mayor shall be acted upon by the board of aldermen until the expiration of one week after such appointment is transmitted to said board.

Not to apply to certain officers.

SECTION 2. The foregoing section shall not apply to the city messenger, clerk of committees of the city council, or such other clerks and attendants as may be employed by the city council or either branch thereof, or any subordinate officers in the several departments. The assistant assessors of taxes shall be appointed by the assessors of taxes, subject to confirmation by the mayor, and may be removed by the assessors for such cause as they shall deem sufficient and shall assign in their order for removal, and the city clerk shall be chosen by the city council by concurrent vote.

Member of city council not to be appointed during term for which elected.

SECTION 3. No member of the city council of said city shall, during the term for which he is elected, be appointed to or hold any office included under the provisions of either of the preceding sections.

To hold office until successor is appointed and qualified.

SECTION 4. Every officer included under the provisions of either section one or two shall, unless sooner removed, continue after the expiration of his term of service to hold his office until his successor is appointed or elected and duly qualified.

SECTION 5. All officers and boards included under the provisions of section one shall appoint their respective subordinates for such terms of service respectively as are or may be fixed by law or ordinance. The said officers and boards may remove such subordinates for such cause as they may deem sufficient and shall assign in their order for removal.

Subordinates to be appointed for terms as fixed by law or ordinance.

Removals for cause.

SECTION 6. The executive powers of said city, and all the executive powers now vested in the board of aldermen, as such, as surveyors of highways, county commissioners or otherwise, shall be and hereby are vested in the mayor, to be exercised through the several officers and boards of the city in their respective departments, under his general supervision and control. Such officers and boards shall, in their respective departments, make all necessary contracts for the employment of labor, the supply of materials, and the construction, alteration and repair of all public works and buildings, and have the entire care, custody and management of all public works, institutions, buildings and other property, and the direction and control of all the executive and administrative business of said city. They shall be at all times accountable for the proper discharge of their duties to the mayor, as the chief executive officer, whose duty it shall be to secure the honest, efficient and economical conduct of the entire executive and administrative business of the city, and the harmonious and concerted action of the different departments. Every contract made as aforesaid in which the amount involved exceeds two thousand dollars shall require the approval of the mayor before going into effect; and no expenditure shall be made nor liability incurred for any purpose beyond the appropriation duly made therefor.

Executive power to be vested in mayor.

Contracts, in amount exceeding two thousand dollars, to be approved by the mayor.

SECTION 7. The mayor shall, once a month or oftener, call together the heads of departments for consultation and advice upon the affairs of the city; and at such meetings and at all times they shall furnish such information as to matters under their control as the mayor may request.

Mayor to call together once a month, heads of departments, for consultation.

SECTION 8. The heads of departments, and all other officers and boards having authority to expend money, shall annually furnish an estimate to the mayor of the money required for their respective departments and offices during the next financial year. The mayor shall examine

Annual estimates to be furnished.

such estimates, and submit the same with his recommendations thereon to the city council.

Mayor may approve some items or sums and disapprove others in ordinances, etc., appropriating money.

SECTION 9. When an ordinance, order, resolution or vote of the city council, or of either branch thereof, involving the appropriation or expenditure of money, or the raising of a tax, and including separate items or sums, is presented to the mayor of the city for his approval, he may approve some of the items or sums, and disapprove others; and in case of such disapproval the portion of the ordinance, order, resolution or vote so approved shall be in force, in like manner as if the items or sums disapproved had never been a part thereof; and the mayor shall return a statement of the items or sums disapproved, with his objections in writing, to that branch of the city council in which the ordinance, order, resolution or vote originated. The items or sums so disapproved shall not be in force unless passed in the manner provided in section forty-seven of chapter four hundred and forty-eight of the acts of the year eighteen hundred and fifty-four.

Votes, etc., of aldermen or of school committee involving expenditure of money to be presented to the mayor for approval.

SECTION 10. All orders, resolutions or votes of the board of aldermen of said city which involve the exercise of any of the powers conferred by law upon the mayor and aldermen, or the board of aldermen as a separate board; and all orders, resolutions or votes of the school committee of said city, which involve the expenditure of money, shall be presented to the mayor for his approval, and thereupon the same proceedings shall be had by the mayor and the board of aldermen, or the mayor and the school committee, as are provided in section forty-seven of chapter four hundred and forty-eight of the acts of the year eighteen hundred and fifty-four, or in section nine of this act, to be had by the mayor and a single branch of the city council; but nothing in this section contained shall affect the powers or duties of said board in relation to votes cast at elections. The mayor shall not be a member, nor preside at any of the meetings, nor appoint any of the committees of either the board of aldermen or of the school committee.

Annual salary of mayor not to be less than \$5,000.

SECTION 11. The annual salary of the mayor of said city shall be fixed by the city council by concurrent vote at a sum not less than five thousand dollars, and he shall receive for his services no other compensation or emolument whatever.

SECTION 12. Neither the city council nor either branch thereof, nor any member or committee thereof or of either branch thereof, nor the board of aldermen acting in any capacity in which said board may act separately under special powers conferred upon it, nor any member or committee of said board acting in any such capacity, shall directly or indirectly take part in the employment of labor, the making of contracts, the purchase of materials or supplies, the construction, alteration or repair of any public works, buildings or other property, or the care, custody and management of the same, or in the conduct of any of the executive or administrative business of the city, or in the expenditure of public money, except such as may be necessary for the contingent and incidental expenses of the city council or of either branch thereof, nor, except as is otherwise provided in sections one and two, in the appointment or removal of any officers or subordinates for whose appointment and removal provision is herein before made; but nothing in this section contained shall affect the powers or duties of the board of aldermen in relation to state aid to disabled soldiers and sailors, and to the families of those killed in the civil war.

City council, members thereof, etc., not to take part in the employment of labor, the making of contracts, etc.

Powers and duties of aldermen relating to state aid to soldiers, etc., not affected.

SECTION 13. All ordinances, rules, orders, resolutions and votes of the city council of said city and of either branch thereof, and of the board of aldermen acting in a special capacity as a separate board, are annulled so far as they are inconsistent with the provisions of this act; and nothing herein shall affect the enforcement of the provisions of chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-four, being an act to improve the civil service of the Commonwealth and the cities thereof, or of the rules made by the commissioners appointed thereunder; and none of the provisions of this act, except those relating to the power of removal, shall affect the tenure of office of any person now holding any office or position in said city.

Certain ordinances, etc., annulled.

Civil service.

Tenure of office.

*Approved May 27, 1885.*

AN ACT TO PREVENT DISCRIMINATION BY TELEPHONE COMPANIES.  
*Be it enacted etc., as follows:*

*Chap. 267*

SECTION 1. Any person or corporation owning, controlling or operating a telephone exchange or service in this Commonwealth shall, on application of any telegraph company, furnish the telegraph company so applying with the use of a telephone or telephones and telephone ser-

Telegraph companies to be furnished with telephone service without discrimination between companies.

vice, and connection with their respective exchanges, the subscribers thereto and telephone service without discrimination between telegraph companies as to such connection, service or use of instruments furnished or charges therefor for the same class of service.

Telephone service to be furnished without discrimination upon tender of charges or rental.

SECTION 2. Any person or corporation owning, controlling or operating a telephone exchange or service in this Commonwealth shall, on application of any individual or corporation and the tender of the charges or rental sum usual or customary for the class of service required, without discrimination for the same class of service rendered, furnish such individual or corporation so applying with the use of a telephone and telephone service and connection with their respective exchanges and the subscribers thereto, provided that the individual or corporation applying will secure the rights necessary to make the connections applied for and pay to the telephone company in advance a sufficient sum to cover the actual cost of the extension, if said extension is beyond one mile from any main exchange circuit of the said telephone company applied to.

Provisions may be enforced in equity.

SECTION 3. Any court in the Commonwealth having equity jurisdiction shall, upon petition of any party in interest, enforce the provisions of this act by any suitable process or decree in equity.

SECTION 4. This act shall take effect upon its passage.

*Approved May 27, 1885.*

## Chap. 268

AN ACT RELATIVE TO THE OATH OF SUPERVISORS OF ELECTIONS.

*Be it enacted, etc., as follows:*

Oath of supervisors before town clerk, etc.

SECTION 1. The supervisors of elections, provided for by section nine of chapter two hundred and ninety-nine of the acts of the year eighteen hundred and eighty-four, may take the oath or affirmation, necessary to qualify them for the discharge of their duties, before a town clerk or any other officer qualified to administer an oath.

SECTION 2. This act shall take effect upon its passage.

*Approved May 27, 1885.*

AN ACT TO AMEND AND CONSOLIDATE THE CHARTER OF THE CITY *Chap. 269*  
OF FALL RIVER.

*Be it enacted, etc., as follows:*

SECTION 1. The inhabitants of the city of Fall River shall continue to be a body politic and corporate under the name of the city of Fall River, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations, now incumbent upon and appertaining to the said city as a municipal corporation. Charter amended and consolidated.

SECTION 2. The administration of the fiscal and prudential affairs of the city with the government thereof shall be vested in one chief officer to be called the mayor; one council of nine to be called the board of aldermen; and one council of twenty-seven to be called the common council; which boards in their joint capacity shall be called the city council, the members whereof shall be sworn to the faithful performance of their duties. A majority of each board shall constitute a quorum for the transaction of business. Mayor, aldermen and common councilmen. Quorum.

SECTION 3. The city council may, in the present year and in every fifth year hereafter, alter the wards of the city or increase their number in such manner as to preserve as nearly as may be an equal number of legal voters in each ward. But no such alteration or increase shall change the boundary lines of any representative district previously established; and each ward shall be entitled to an alderman and three members of the common council, notwithstanding the provisions of the second section of this act. Until altered as herein provided the nine wards of the city shall remain as now established. Division into wards. One alderman and three common councilmen to each ward.

SECTION 4. All warrants for meetings of the citizens for elections or for other purposes shall be issued by the mayor and aldermen. Warrants for meetings.

SECTION 5. The mayor shall be elected by the qualified voters of the city at large. One alderman and three common councilmen shall be elected from and by the voters of each ward, and shall be residents in the wards where elected. All said officers shall be chosen by ballot, and shall hold office for one year from the first Monday in January, and until others are elected and qualified in their stead. Mayor elected at large. Officers chosen by ballot.

SECTION 6. The school committee shall consist of such number of persons, not less than nine and divisible by School committee.

three, as the city council shall from time to time determine; one-third of whom shall be elected annually in the same manner as provided for the election of mayor. They shall hold office for a term of three years.

Annual municipal election.

SECTION 7. On the Tuesday next after the first Monday in December annually, the qualified voters in each ward shall give in their votes for mayor, aldermen, common councilmen and members of the school committee. The board of aldermen shall examine the records of the several wards or precincts, and shall, at the expiration of the time provided by law, cause the persons who have received the greatest number of votes for mayor, aldermen, members of the common council and school committee, respectively, to be notified in writing of their election; but if it shall appear that there has been a failure to elect by reason of two or more persons having received an equal number of votes, or if a person elected shall have refused to accept the office to which elected, the board shall issue their warrant for a new election, and the same proceedings shall be had as herein before provided for the election of said officers, and repeated from time to time until a choice shall be made.

Aldermen and common councilmen to meet in their respective rooms.

SECTION 8. The aldermen and common councilmen elect shall, on the first Monday in January at ten o'clock in the forenoon, meet in their respective rooms. The board of aldermen shall be called to order by the mayor elect or in his absence by the senior member; the common council by the senior member; whereupon, a quorum of each board being present, notice of that fact shall be given by each to the other and the two branches shall forthwith meet in joint convention. If no mayor who accepts the office has been chosen prior to the said first Monday in January, the city clerk shall read the record of that fact; otherwise the oath of office shall be administered to the mayor elect by the city clerk or a justice of the peace. The oath of office shall be administered to the members present by the mayor or a justice of the peace, and record thereof shall be made in the journal of each branch by its clerk. Members elect of either branch may afterward be qualified by the mayor in presence of the board of aldermen. After the organization of the city government as aforesaid, the two branches shall separate, and the persons chosen and qualified as aldermen shall meet and shall choose one of their number as president, who shall be

Two branches to meet in convention.

Oaths of office to be administered.

Presiding officer to be elected.

sworn to the faithful performance of his duties. He shall, in the absence of the mayor, preside at all meetings of the board and in convention of the two branches; and shall, in case of any vacancy in the office of mayor, exercise all the powers and perform all the duties of said office during such vacancy, and shall always have a vote in the board. In the absence of the mayor and president of the board, a president *pro tempore* may be chosen. The persons chosen as common councilmen shall meet and organize by the choice by ballot of one of their number as president. The city auditor shall be clerk of the common council. He shall, as such, attend its meetings, keep a journal of its proceedings, and perform such other duties as it may require. The president and clerk shall be sworn to the faithful performance of their duties. In the absence of either of them, a president or clerk *pro tempore* shall be chosen by ballot. Each board shall keep a record of its proceedings, and judge of the election of its members. In case of any vacancy in either board the mayor and aldermen shall order a new election.

City auditor to  
be clerk of com-  
mon council.

Vacancies.

SECTION 9. In case of the decease or resignation of the mayor, or of his inability to perform the duties of his office, the board of aldermen and the common council shall, respectively, by vote declare that a vacancy exists in said office, and the cause thereof; whereupon the board of aldermen shall issue their warrant for the election of a mayor, and the same proceedings shall be had as are herein before provided for the election of mayor, and the mayor thus chosen shall hold his office for the remainder of the municipal year and until another is chosen and qualified in his stead: *provided, however*, that when such vacancy occurs on or after the first day of October in any year, such warrant shall not be issued except by concurrent vote of the board of aldermen and common council.

When vacancy  
in office of  
mayor is de-  
clared to exist,  
election to be  
ordered by the  
aldermen.

Proviso.

SECTION 10. The mayor shall be the chief executive officer of the city. He shall be vigilant in the enforcement of the municipal laws and ordinances; shall exercise a general supervision over the conduct of all subordinate officers, and shall cause their neglect of duty to be punished. He may call special meetings of the city council, or of either branch thereof, by causing written notices to be given to the several members, or left at their respective places of residence. He shall perform such other duties as the city council may legally and reasonably require.

Mayor to be  
chief executive  
officer.

He shall from time to time communicate to the city council, or either branch thereof, such information and recommend such measures as in his opinion the interests of the city may require. He shall when present preside in the board of aldermen and in the convention of the two branches of the city council, but shall have no right to vote.

Executive power generally, to be vested in mayor and aldermen.

SECTION 11. The executive power of the city generally, and the administration of the police, with all the powers now vested in the mayor and aldermen of the city of Fall River, shall continue to be vested in the mayor and aldermen of the city, as fully as if the same were herein specially enumerated. They may appoint constables and a police force, consisting of a city marshal or chief of police, and such other police officers with powers of constables, as they shall deem expedient. Such police officers shall hold office during good behavior, and until removed for cause by the mayor with the consent of the aldermen. The mayor may suspend any such police officer, for cause, for a period not exceeding thirty days, and may with the consent of the aldermen change the rank of such officer. The mayor and aldermen may require any person appointed marshal or chief of police, or constable of the city, to give bond for the faithful discharge of his duties, with such security as they deem reasonable; upon which bonds like proceedings may be had as are provided by law in the case of constables' bonds taken by selectmen of towns.

Powers vested in the city council to be exercised by concurrent vote.

SECTION 12. All powers now vested in the city council of the city of Fall River, and all powers granted by this act, unless otherwise herein provided, shall be and continue vested in the city council of the city, to be exercised by concurrent vote, each board to have a negative upon the other. The city council shall annually, as soon after organization as convenient, elect by ballot in joint convention a city treasurer, collector of taxes, city clerk, city auditor and one or more surveyors of highways; and shall, in such manner as it may by ordinance determine, appoint or elect all subordinate officers whose appointment or election is not otherwise provided for. The city council shall define the duties and fix the compensation of all city officials when such duties and compensation are not defined and fixed by law. The city council shall take care that money be not paid from the treasury unless

City council to define duties and fix compensation of city officials.

granted or appropriated; shall secure a just and prompt accountability by requiring bond, with sufficient penalty and sureties, from all persons entrusted with the receipt, custody or disbursement of money; shall have the care and control of all city property, with power to let or sell what may be legally let or sold, and to purchase property, real or personal, whenever the interest of the city may require. The city council shall, as often as once a year, cause to be published for the use of the citizens a particular account of receipts and expenditures and a schedule of city property. No member of the city council shall be appointed or elected to any office of emolument under the city government. All sessions of the board of aldermen, of the common council and of the city council shall be public when they are not engaged in executive business.

Member of city council not to hold office of emolument.

SECTION 13. The salaries of the mayor and of the aldermen shall be fixed by the city council, but such salaries shall not be increased or diminished during the year for which they are chosen. The members of the common council shall receive no compensation.

Salaries of mayor and aldermen.

SECTION 14. The city clerk shall perform all the duties and exercise all the powers now incumbent upon or vested in the city clerk of said city. He shall be the clerk of the board of aldermen, and shall be sworn to the faithful performance of his duties.

City clerk to be clerk of board of aldermen.

SECTION 15. The mayor and the aldermen shall constitute the overseers of the poor of the city. They may appoint an agent, define his duties and fix his compensation. They shall have all the powers and perform all the duties now by law vested in and incumbent upon the overseers of the poor of cities and towns, but shall receive no compensation.

Overseers of the poor.

SECTION 16. The board of assessors of the city shall consist of three members, one of whom shall be elected annually, who shall hold office for the term of three years and until their successors are chosen and qualified. They shall exercise the powers and perform the duties now by law vested in and incumbent upon assessors of cities and towns. The city council may make provisions for the assessment and collection of taxes not inconsistent with the laws relating thereto.

Board of assessors.

SECTION 17. The board of health of the city shall consist of the city physician and two persons, not members of the city council, to be appointed by the mayor

Board of health.

and aldermen. The term of office of the appointed members shall be two years, and one of them shall retire from office on the first Monday in February in each year. The city physician shall be appointed by the mayor and aldermen for a term of three years beginning on the first Monday in February. Said board shall have all the powers and perform all the duties now by law vested in and incumbent upon boards of health similarly constituted.

City physician.

Fire department.

SECTION 18. The city council may establish a fire department, to consist of a chief engineer and as many assistant engineers and other members as said council may from time to time determine. In the year eighteen hundred eighty-six a chief engineer shall be appointed or elected for the term of three years, two assistant engineers for the term of two years, the remaining assistant engineers for the term of one year, and thereafter all such engineers for the term of three years. The city council, except as above provided, may make provisions for the appointment and removal of officers and members; prescribe their qualifications; define their duties; fix their compensation; and make regulations for their conduct and government, the management and conduct of fires and persons attending fires, with similar penalties to those provided for the breach of the city ordinances. The engineers and other officers of the fire department shall have the same authority in regard to the prevention and extinguishment of fires as is now conferred by law upon firewards. They shall also have authority, in compliance with any ordinances of said city, to make examination of places where inflammable or combustible materials are collected or deposited, and to require the removal of the same or the adoption of suitable safeguards against fire.

Laying out, etc., streets by mayor and aldermen with concurrent vote of the common council.

SECTION 19. The mayor and aldermen, with the concurrent vote of the common council, shall have exclusive power to lay out, alter or discontinue any street or town way, and to estimate the damages any individual may sustain thereby; and any person dissatisfied with the decision of the city council in the estimate of damages may, within one year from the time of such decision, make complaint to the county commissioners of the county of Bristol; whereupon the same proceedings shall be had as are now by law provided in cases where persons are aggrieved by the assessment of damages by the selectmen of towns.

SECTION 20. The mayor and aldermen, with the concurrent vote of the common council, shall have the power to cause drains and common sewers to be laid through any street or private lands, paying the owners such damages as they may sustain thereby; and may require all persons to pay a reasonable sum for the privilege of opening any drain into such public drain or common sewer.

Drains and common sewers.

SECTION 21. The city council may make all such salutary and needful by-laws and ordinances as towns and cities by law have power to make, with penalties not exceeding twenty dollars for the breach thereof.

By-laws and ordinances.

SECTION 22. All complaints for the breach of any ordinance of the city council, or any order of the board of aldermen, shall be prosecuted in the second district court of Bristol, and the same proceedings shall be had thereon as in the case of other criminal proceedings in said court; and in such prosecutions it shall not be necessary to set forth in the complaint such ordinance, or order or any part thereof. All fines and forfeitures recovered shall be paid into the city treasury.

Complaints for breach of ordinances, etc.

Fines and forfeitures.

SECTION 23. General meetings of the citizens to consult upon the public good, to give instructions to their representatives and to take all lawful measures to obtain redress for any grievances shall be duly warned by the mayor and aldermen upon the requisition of fifty qualified voters.

General meetings of citizens.

SECTION 24. All acts and parts of acts inconsistent herewith shall be and the same are hereby repealed: *provided, however*, that all persons who, at the time when said repeal shall take effect, hold any office under said acts, shall continue to hold the same according to the tenure thereof; *and provided, also*, that all the ordinances of the city, in force when said repeal shall take effect, shall continue in force until the same are repealed by the city council.

Repeal.

SECTION 25. This act shall be void unless accepted by the city council of Fall River within three months from its passage.

To be accepted within three months.

*Approved May 28, 1885.*

AN ACT TO AUTHORIZE THE AMHERST WATER COMPANY TO SECURE ITS BONDS BY A MORTGAGE ON ITS FRANCHISE AND OTHER PROPERTY.

*Chap. 270*

*Be it enacted, etc., as follows:*

SECTION 1. Section five of chapter one hundred and seventy-nine of the acts of the year eighteen hundred and eighty, entitled An Act to incorporate the Amherst Water

May secure its bonds by mortgage on franchise and property.

Real estate and  
capital stock.

Company, is hereby amended so as to read as follows : —  
*Section 5.* The said corporation for the purposes set forth in this act may hold real estate not exceeding in amount twenty thousand dollars ; and the whole capital stock of said corporation shall not exceed seventy-five thousand dollars, to be divided into shares of one hundred dollars each ; and said corporation may issue bonds, bearing interest at a rate not exceeding six per centum per annum, and secure the same by a mortgage on its franchise and other property, to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

SECTION 2. This act shall take effect upon its passage.

*Approved May 29, 1885.*

## Chap. 271

### AN ACT TO REGULATE THE ASSESSMENT AND REGISTRATION OF VOTERS.

*Be it enacted, etc., as follows :*

List of male  
persons liable  
to poll tax, with  
residence,  
occupation and  
age, to be cer-  
tified to regis-  
trars by the  
assessors.

SECTION 1. In the months of May and June of each year, the assessors or assistant assessors of taxes shall visit each dwelling house or building in their respective cities or towns, and make a true list of all male persons, twenty years of age and upwards, liable to be assessed for a poll tax, returned to them by the owners or occupants of said dwelling houses or buildings as residing therein, together with their occupation and age, as near as may be, and residence on the first day of May of the preceding year ; and shall also furnish the original list or a certified copy thereof to the registrars of voters of their respective cities and towns, from time to time, before the fifteenth day of July ensuing ; and all assessors and collectors of taxes shall furnish any information in their possession necessary to aid the registrars and assistant registrars in the discharge of their respective duties.

Penalty on  
assessor for  
making false  
list.

SECTION 2. Any assessor or assistant assessor, who shall knowingly enter, or knowingly cause or allow to be entered, on the list of assessed polls, the name of any person not an actual resident of the dwelling house or building wherein he is assessed, shall be punished for each offence by fine not exceeding five hundred dollars, or imprisonment in the house of correction or county jail for a term not exceeding six months ; and any person who shall knowingly give to an assessor or assistant assessor, for the purpose of such assessment, the name of any person as a

Penalty on per-  
son giving false  
information.

resident of the house in which his name is given, who is not a resident of said house, shall be punished for each offence by fine not exceeding one hundred dollars, or imprisonment in the house of correction or county jail for a term not exceeding three months.

SECTION 3. Every keeper of a tavern or boarding house, or master or mistress of a dwelling house shall, upon application of an assessor or assistant assessor of the city or town wherein such house is situated, give full and true information of the names of all persons residing therein and liable to be assessed for a poll tax. Every such keeper, master or mistress refusing or neglecting to give such information, after a written demand, of which this section shall form a part, has been duly served on him in person, shall be punished by fine not exceeding one hundred dollars, or imprisonment in the county jail for a term not exceeding three months. Every person who is an inmate of any house kept or controlled by such keeper, master or mistress, and who is liable to be so assessed, who shall refuse or neglect to give his own name, when required so to do by an assessor or assistant assessor, after a written demand, of which this section shall form a part, has been duly served on him in person, shall be punished by fine not exceeding one hundred dollars, or imprisonment in the county jail not exceeding three months.

Keeper of boarding house, or master of dwelling house, etc., to give full information to assessors, under penalty.

SECTION 4. On complaint in writing, under oath, made by a registered voter of a city or town to the registrars of voters thereof, in such city at least seven days and in such town at least four days before an election, that he has reason to believe, and does believe, that a certain person whose name appears on the list of assessed polls of said city or town was not on the first day of May last past a resident at the house wherein he is assessed, and setting forth his reasons for such belief, the said registrars, if satisfied there is probable ground for such complaint, shall, after making a record of the same and due notice to the person whose residence is called in question, summoning him to appear before them in the manner provided in section thirty-two of chapter two hundred and ninety-eight of the acts of the year eighteen hundred and eighty-four, examine the charges set forth in said complaint, and, if satisfied that said charges are true, they shall erase the name or change the residence of such person, as the case

Correction of false entries upon the list.

may require, on the list of assessed polls transmitted to them by the assessors of such city or town, and shall make the corresponding change on the voting list, if the name be found thereon, and shall forthwith transmit a certified copy of their proceedings in such case to the said assessors. And any person so complained of, who shall, after such examination, be proven to be a resident of such city or town, and who shall apply for registration, shall be registered only in the place shown, by the evidence at such hearing, to be his legal residence on the first day of May of the current year.

Making false affidavit to be deemed perjury.

SECTION 5. Whoever shall knowingly or wilfully make a false affidavit under this act, regarding the qualifications of any voter, shall be deemed guilty of perjury.

Amendment to 1884, 298, § 25.

SECTION 6. Section twenty-five of chapter two hundred and ninety-eight of the acts of the year eighteen hundred and eighty-four is hereby amended by striking out in the third and fourth lines thereof the words "fifteenth day of September," and inserting in place thereof the words "time fixed by law for the close of registration," and by striking out in the seventh line thereof the words "said fifteenth day of September," and inserting in place thereof the words "receipt of said notice."

To take effect Jan. 1, 1886.

SECTION 7. This act shall take effect on the first day of January, eighteen hundred and eighty-six.

*Approved May 29, 1885.*

## Chap. 272 AN ACT TO AUTHORIZE THE MYSTIC RIVER CORPORATION TO BUILD A PILE WHARF ALONG THE MAIN CHANNEL OF MYSTIC RIVER.

*Be it enacted, etc., as follows:*

May build pile wharf along the main channel of Mystic River.

SECTION 1. The Mystic River Corporation may build a band of pile wharf along the outside face of its sea wall as authorized to be built, on the main channel of Mystic River, no part of said wharf to extend beyond a line located and described as follows: — Beginning at a point in the exterior line of inclosure authorized and defined in the first section of chapter four hundred and eighty-one of the acts of the year eighteen hundred and fifty-five, entitled "An Act relating to the Mystic River Corporation," where said exterior line would be intersected by extending easterly the southerly side line of the solid wharf of said corporation as now built below Chelsea Bridge Avenue; thence running northerly in a straight

line to a point which is distant three hundred and eighty-five feet easterly from the easterly side line of said avenue, measuring at right angles to said avenue from a point in the said easterly side line, which latter point is distant one hundred feet southerly from the top face of the northerly abutment of said avenue, measuring said latter distance on said easterly side line; thence turning and running northwesterly in a straight line to a point in the easterly side line of said avenue extended northerly, which point is distant sixty-five feet northerly from the top face of the abutment aforesaid, measuring on said easterly side line so extended. Then beginning again at a point in the westerly side line of said avenue extended northerly, which point is distant sixty-five feet northerly from the top face of the abutment aforesaid, measuring on said westerly side line so extended; thence running westerly in a straight line to a point which is distant thirty feet northerly from the northwesterly angle of the sea wall of said corporation as now built; thence turning a little and running still westerly in a straight line parallel to and thirty feet distant northerly from the top face of the northerly sea wall of said corporation, as the same is now authorized to be built, until the said straight line intersects the easterly side line of Elm Street extended northeasterly. Vessels may be laid at the said pile wharf and wharfage and dockage may be received therefor.

SECTION 2. This grant is upon the express condition that the authority hereby given, and all work done under the same, shall be subject to all the provisions of chapter nineteen of the Public Statutes and of any other laws which are or may be in force applicable thereto; and that said corporation, and its successors and assigns, shall not lay any railway tracks across Chelsea Bridge or Chelsea Bridge Avenue in addition to those already laid, without first obtaining the consent in writing of the board of railroad commissioners after such public notice and hearing as the said board shall order.

Subject to P. S.  
19, and other  
laws applicable.

SECTION 3. The first section of chapter one hundred and forty-five of the acts of the year eighteen hundred and eighty is hereby repealed.

Not to lay  
additional rail-  
way tracks.

Repeal of 1880,  
145, § 1.

SECTION 4. This act shall take effect upon its passage.

*Approved May 29, 1885.*

*Chap. 273*

## AN ACT TO INCORPORATE THE WOBURN PUBLIC LIBRARY.

*Be it enacted, etc., as follows:*

Woburn Public  
Library incor-  
porated.

SECTION 1. John Cummings, Edward W. Hudson, Edward D. Hayden, John G. Maguire, Leonard Thompson, and John M. Harlow, all of Woburn in the county of Middlesex, and their associates and successors, to be determined and elected as hereinafter provided, are made a body corporate by the name of Woburn Public Library, for the purpose of establishing and maintaining in said town an institution to aid in the promotion of education and the diffusion of knowledge by means of a library, free to all the inhabitants of said town, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

To have control  
of property set  
apart by the  
town for a  
public library.

SECTION 2. Said corporation shall, upon its organization and the acceptance of this act by the corporators herein named, and its acceptance by said town, have the management and control of all the property, real and personal, now held by the said town of Woburn and set apart for the purposes of a public library, and shall in relation thereto perform and discharge, on behalf of said town, any and all duties and trusts subject to which the same or any part thereof is now held by said town, but without power to contract any debt or liability which shall be binding upon said town unless legally directed and empowered so to do. Said corporation may also hold other property, real or personal, not exceeding three hundred thousand dollars in value, for the purposes of a public library; and all gifts, grants, devises and bequests thereto shall be held and used for such purposes and in conformity to the conditions upon which the same shall be made and given, provided such conditions are not inconsistent with the provisions of this act.

May hold other  
property not  
exceeding  
\$300,000.

Town may  
appropriate  
money in aid of  
library.

SECTION 3. The town of Woburn, so long as a library free to all the inhabitants of said town is maintained therein, under and in conformity with this act, is hereby authorized to appropriate and pay money in aid of supporting such institution in the same manner as is authorized by law for the establishment, maintenance or increase of a public library, and said corporation may receive and use, in conformity with this act, all such appropriations.

SECTION 4. The persons herein before named and designated as corporators under this act, with three persons to be elected by the town of Woburn, as hereinafter provided, shall constitute the members and board of trustees of said corporation, and shall have the entire management, control and direction of its affairs, and shall choose from their number a president and a clerk, and may prescribe the duties of each, and from time to time may make such by-laws and regulations for the management of the institution, its property and funds, and for the use of the library, not in conflict with this act, as they may deem best for carrying out the purposes thereof.

Board of trustees to have management of library.

SECTION 5. The number of the trustees shall not exceed nine, and three of them shall be elected, one for the term of three years, one for the term of two years and one for the term of one year, by the town of Woburn at its first annual meeting held after the passage of this act; at which meeting also this act may be accepted if not previously accepted; and thereafter one trustee shall be elected annually by the town for the term of three years; and after the acceptance of this act by said town, and until its election of trustees as herein provided, the corporators herein before named and designated shall constitute the members and board of trustees, with all the powers herein conferred. Any vacancy occurring at any time in the corporation and board of trustees shall be filled, by election, by the town at its next annual meeting, or at a meeting specially called for the purpose: *provided, however*, that no person not an inhabitant of the town of Woburn shall be eligible as such trustee.

Election of trustees.

SECTION 6. The treasurer of the town of Woburn, for the time being, shall receive and hold all funds belonging to the corporation, or of which it has the management or control, subject to the order of the trustees; they shall annually make a report to the town of their doings, and their records and books of account shall at all convenient times be open to the inspection and examination of the town.

Treasurer of town to hold funds.

SECTION 7. This act shall take effect upon its passage.

*Approved May 29, 1885.*

**Chap. 274** AN ACT RELATING TO THE BONDS OF ADMINISTRATORS OF INTESTATE ESTATES AND OF ADMINISTRATORS WITH THE WILL ANNEXED.

*Be it enacted, etc., as follows :*

Administration without surety on bond, with consent of persons interested.

SECTION 1. An administrator of an intestate estate, or an administrator with the will annexed, shall be exempt from giving a surety or sureties on his bond, when all the persons interested in the estate, who are of full age and legal capacity, other than creditors, certify to the probate court their consent thereto ; but not until all the creditors of the estate, and the guardian of any minor interested therein, have been notified and have had opportunity to show cause against the same ; but such administrator shall in all cases give his own personal bond, with conditions as prescribed by law : *provided*, that the probate court may at or after the granting of letters of administration require a bond, with sufficient surety or sureties, if it is of opinion that such bond is required by a change in the situation or circumstances of such administrator, or for other sufficient cause.

Proviso.

Administrator not giving bond when required, considered to have resigned the trust.

SECTION 2. Every administrator who neglects to give bond, with surety or sureties, when required by the probate court within such time as it directs, in accordance with this act, shall be considered to have declined or resigned the trust.

SECTION 3. This act shall take effect upon its passage.

*Approved May 29, 1885.*

**Chap. 275** AN ACT TO ESTABLISH THE SALARY OF THE JUDGE OF PROBATE AND INSOLVENCY FOR THE COUNTY OF WORCESTER.

*Be it enacted, etc., as follows :*

Salary established.

SECTION 1. The judge of probate and insolvency for the county of Worcester shall receive an annual salary of three thousand dollars, beginning with the first day of January, eighteen hundred and eighty-five.

SECTION 2. This act shall take effect upon its passage.

*Approved May 29, 1885.*

**Chap. 276** AN ACT IN RELATION TO THE DISTRIBUTION OF ESTATES OF INTESTATES.

*Be it enacted, etc., as follows :*

Personal estate to widow when husband leaves no kindred.

The third section of chapter one hundred and thirty-five of the Public Statutes is amended by adding, at the end of the fifth clause of said section, the words : — If the intestate leaves a widow and no kindred the widow shall be entitled to the whole of the residue.

*Approved May 29, 1885.*

AN ACT TO ESTABLISH THE SALARIES OF THE COMMISSIONERS OF  
THE COUNTIES OF ESSEX, MIDDLESEX AND NORFOLK. *Chap. 277*

*Be it enacted, etc., as follows:*

SECTION 1. The commissioners and special commissioners of the counties of Essex, Middlesex and Norfolk, shall receive from their respective county treasuries, in full payment for all their services and travel, the following annual salaries; the special commissioners to be paid three dollars each per day and ten cents a mile travel each way, and the balance thereof to be divided among the county commissioners in proportion to the services rendered, the travel performed and the expenses incurred by each; and no other or additional compensation shall be paid to them for any service performed by them for their respective counties. For the county of Essex, the sum of thirty-nine hundred dollars. For the county of Middlesex, the sum of forty-five hundred dollars. For the county of Norfolk, the sum of twenty-seven hundred dollars. Salaries established.

SECTION 2. So much of section fourteen of chapter twenty-two of the Public Statutes as may be inconsistent herewith is hereby repealed. Repeal.

SECTION 3. This act shall take effect on the first day of July in the year eighteen hundred and eighty-five. To take effect July 1, 1885.

*Approved May 29, 1885.*

AN ACT TO AMEND CHAPTER EIGHTY-TWO OF THE PUBLIC STATUTES RELATING TO CEMETERIES AND BURIALS. *Chap. 278*

*Be it enacted, etc., as follows:*

SECTION 1. Section nineteen of chapter eighty-two of the Public Statutes is amended so as to read as follows: — *Section 19.* Boards of health of cities and towns may prohibit the use by undertakers, for the purpose of speculation, of tombs as places of deposit for bodies committed to them for burial; may, if in their opinion the public health requires it, close any tomb, burial ground, cemetery or other place of burial within the city or town, for such length of time as they may deem necessary for the protection of the public health; may make all regulations which they judge necessary concerning burial grounds and interments within their respective limits, and may establish penalties not exceeding one hundred dollars for any breach of such regulations. Board of health may prohibit use of tombs by undertakers for purpose of speculation.

SECTION 2. Section twenty-four of said chapter is amended to read as follows: — *Section 24.* Appeals May make regulations concerning tombs and interments. Appeals may be tried by a jury.

shall be tried in regular course before a jury, and if the jury find that the tomb, burial ground or cemetery so closed was not a nuisance nor injurious to the public health at the time of the order, and that the closing thereof was not necessary for the protection of the public health, the court shall rescind such order so far as it affects such tomb, burial ground or cemetery; and execution for the costs of the appeal shall issue in favor of the appellant, against the city or town in which the same was situated. But if the order is sustained execution shall issue for double costs against the appellant in favor of the board of health for the use of the city or town.

Costs.

Repeal.

SECTION 3. Sections twenty-five, twenty-six, twenty-seven and twenty-eight of chapter eighty-two of the Public Statutes are repealed.

SECTION 4. This act shall take effect upon its passage.

*Approved May 29, 1885.*

*Chap. 279* AN ACT TO CONFIRM AND MAKE VALID THE ORGANIZATION AND PROCEEDINGS OF THE ORTHODOX CONGREGATIONAL SOCIETY IN WEST CAMBRIDGE AND TO CHANGE THE NAME OF SAID CORPORATION.

*Be it enacted, etc., as follows:*

Organization  
and proceedings  
confirmed.

SECTION 1. The organization as a corporation of the Orthodox Congregational Society in West Cambridge known as the West Cambridge Orthodox Congregational Society and afterwards as the Arlington Orthodox Congregational Society, which organization was effected on the second day of January in the year eighteen hundred and forty-three under general laws, and all gifts, devises, bequests and conveyances to and all conveyances and transfers by said corporation of real or personal estate under either of said names or under whatsoever name the same shall have been made and the records of said corporation under whatsoever name the same appear to be written, and all the acts done and performed by its officers in their official or supposed official capacities as officers of said corporation or by committees, are hereby fully ratified and confirmed, and the same shall be taken and deemed to be good and valid in law to all intents and purposes whatsoever, and the several persons now appearing by the records of said corporation to have been chosen as officers or committees thereof at its last annual meeting are hereby authorized to perform all their respective

official duties until their successors shall be chosen and qualified. But nothing in this act shall be construed to continue in force any by-law of said corporation repugnant to the laws of the Commonwealth.

SECTION 2. The corporate name of said society shall be Arlington Orthodox Congregational Society. Name changed.

*Approved May 29, 1885.*

AN ACT TO CONFIRM AND ESTABLISH THE NAME OF THE FIRST  
UNIVERSALIST SOCIETY OF ARLINGTON. Chap.280

*Be it enacted, etc., as follows:*

SECTION 1. The parish in Arlington heretofore known as The First Universalist Society in West Cambridge and as The First Universalist Society of Arlington shall hereafter be known as The First Universalist Society of Arlington, and the vote of said society at a meeting of its members held April ninth, in the year eighteen hundred and eighty-five, establishing its corporate name is hereby ratified and confirmed. Name changed.

SECTION 2. This act shall take effect upon its passage.

*Approved May 29, 1885.*

AN ACT TO AMEND THE CHARTER OF THE TRUSTEES OF THE  
DELTA PSI SOCIETY OF WILLIAMS COLLEGE. Chap.281

*Be it enacted, etc., as follows:*

SECTION 1. Section two of chapter one hundred and sixty-two of the acts of the year eighteen hundred and seventy-three is hereby amended by striking out the word "twenty" in the fifth line and inserting the word "fifty" in place thereof, so as to read as follows: — *Section 2.* The trustees of the Delta Psi Society of Williams College may receive, purchase, hold and convey real and personal property for the uses of the above named society, provided that the value of the real estate so held at any time shall not exceed fifty thousand dollars, and said property shall not be exempt from taxation. Charter amended.

SECTION 2. This act shall take effect upon its passage.

*Approved May 29, 1885.*

AN ACT RESPECTING NOTICES FORBIDDING THE SALE OF INTOXICATING LIQUORS. Chap.282

*Be it enacted, etc., as follows:*

SECTION 1. The provisions of section twenty-five of chapter one hundred of the Public Statutes shall apply to sales of alcohol and other spirituous and intoxicating Provisions of P. S. 100 § 25 to apply to sales of alcohol, etc., by druggists.

liquor by druggists and apothecaries. But no druggist or apothecary shall be liable under said section for a sale made upon the prescription of a physician.

Penalty for selling liquor after special notice given.

SECTION 2. The mayor of a city or any one of the selectmen of a town in which a person lives who has or may hereafter have the habit of drinking spirituous or intoxicating liquor to excess, may give notice in writing signed by him, to any person, requesting him not to sell or deliver such liquor to the person having such habit. If the person so notified at any time within twelve months thereafter sells or delivers any such liquor to the person having such habit, or permits such person to loiter on his premises, the person giving the notice may, in his own name in an action of tort brought at his election for the benefit either of the husband, wife, child, parent or guardian of the person having such habit, recover of the person so notified such sum, not less than one hundred nor more than five hundred dollars, as may be assessed as damages. In case of the death of the plaintiff or of the person beneficially interested in the action, the action shall survive to or for the benefit of his executor or administrator.

If plaintiff dies, action to survive.

SECTION 3. This act shall take effect upon its passage.

*Approved May 29, 1885.*

### *Chap. 283* AN ACT RELATING TO THE SETTLEMENT OF TITLES TO REAL ESTATES.

*Be it enacted, etc., as follows:*

Mortgage, to secure against a contingent liability which has ceased to exist, may be discharged by S. J. C.

When the record title of real estate is encumbered by an undischarged mortgage, and the mortgagor and those having his estate in the premises have been in uninterrupted possession of such real estate for twenty years from the date thereof, and it shall appear that such mortgage was not given to secure the payment of a sum of money or a debt, but to secure the mortgagee against some contingent liability assumed or undertaken by him, and that such contingent liability has ceased to exist, and that the interests of no person will be prejudiced by the discharge of such mortgage, the mortgagor, or those having his estate in the premises, may apply to the supreme judicial court by petition, setting forth the facts and asking for a decree as hereinafter provided; and if after notice to all persons interested, by publication or otherwise, as the court may order, it shall appear that the liability on account of which such mortgage was given has ceased

to exist and that such mortgage ought to be discharged, the court may enter a decree, setting forth the facts proved, and its findings in relation thereto, which decree shall within thirty days be recorded in the proper registry of deeds, and thereafter no action shall be brought to enforce a title under said mortgage.

*Approved June 2, 1885.*

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

*Chap. 284*

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, and to meet certain other expenses authorized by law, to wit: —

For providing rooms for the bureau of statistics of labor, for the purpose of taking the decennial census, and for furnishing the same, a sum not exceeding three thousand dollars, as authorized by chapter thirty of the resolves of the present year.

Bureau of statistics of labor.

For the expenses of John W. Dickinson, delegate to represent the educational interests of the Commonwealth at the world's industrial, cotton and centennial exposition at New Orleans, a sum not exceeding three hundred dollars, as authorized by chapter thirty-one of the resolves of the present year.

John W. Dickinson.

For printing extra copies of the report of the commissioners on the topographical survey and map of Massachusetts, nineteen dollars and twenty cents, as authorized by chapter thirty-two of the resolves of the present year.

Survey and map of the state.

For the town of Franklin, one hundred and thirty-eight dollars and thirty-seven cents, as authorized by chapter thirty-three of the resolves of the present year.

Town of Franklin.

For providing fire escapes at the state normal school at Framingham, a sum not exceeding eight hundred and fifty dollars, as authorized by chapter thirty-four of the resolves of the present year.

Normal school at Framingham.

For printing and binding the decennial census, a sum not exceeding eight thousand dollars, as authorized by chapter thirty-eight of the resolves of the present year.

Census, printing and binding.

Mozart Association.

For the Massachusetts Mozart association of the fortieth New York Mozart regiment, five hundred dollars, as authorized by chapter thirty-nine of the resolves of the present year.

Lavinia Cook.

For Lavinia Cook, seventy-two dollars, as authorized by chapter forty-one of the resolves of the present year.

Drainage.

For expenses in connection with a general system of drainage for the valleys of the Mystic, Blackstone and Charles rivers, and certain other portions of the Commonwealth, a sum not exceeding thirteen thousand dollars, as authorized by chapter forty-three of the resolves of the present year.

Asenath Manning.

For Asenath Manning, to be paid to the selectmen of the town of Goshen, two hundred dollars, as authorized by chapter forty-four of the resolves of the present year.

State library.

For certain improvements in the state library, a sum not exceeding one thousand five hundred dollars; and for the purchase of English law journals and reports for said library, a sum not exceeding one thousand dollars, as authorized by chapter forty-five of the resolves of the present year.

Lunatic hospital at Taunton.

For certain improvements at the state lunatic hospital at Taunton, a sum not exceeding seventy-six hundred dollars, as authorized by chapter forty-six of the resolves of the present year.

Soldiers employment bureau.

For the disabled soldiers employment bureau, a sum not exceeding eight hundred dollars, as authorized by chapter forty-seven of the resolves of the present year.

James M. Barker.

For James M. Barker, the sum of five hundred dollars, as authorized by chapter forty-eight of the resolves of the present year.

Annie Fitzgerald.

For Annie Fitzgerald, the sum of one hundred dollars, as authorized by chapter forty-nine of the resolves of the present year.

Fanny Ross.

For Fanny Ross, the sum of two hundred dollars, as authorized by chapter fifty of the resolves of the present year.

Co-operative distribution.

For the preparation, publication and distribution of a pamphlet descriptive of the history, methods and present condition of co-operative distribution in Great Britain, a sum not exceeding eighteen hundred dollars, as authorized by chapter fifty-one of the resolves of the present year.

Clerk of railroad commissioners.

For the salary of the clerk of the railroad commissioners, five hundred dollars, as authorized by chapter one hundred

and nineteen of the acts of the present year, being in addition to the two thousand dollars appropriated by chapter three of the acts of the present year.

For the salaries of four additional district police officers, four thousand eight hundred dollars; for travelling expenses of said officers, a sum not exceeding two thousand dollars, as authorized by chapter one hundred and thirty-one of the acts of the present year.

District police.

For the salary of the accountant of the board of railroad commissioners, five hundred dollars, as authorized by chapter one hundred and sixty-four of the acts of the present year, being in addition to the two thousand dollars appropriated by chapter three of the acts of the present year.

Accountant of railroad commissioners.

For the salary of the judge of probate and insolvency for the county of Bristol, one hundred and forty-two dollars and seventy-seven cents, as authorized by chapter one hundred and sixty-five of the acts of the present year, being in addition to the one thousand eight hundred dollars appropriated by chapter two of the acts of the present year.

Judge of probate, etc., of Bristol County.

For the salary of the district attorney for the middle district, two hundred and twelve dollars and fifty cents, as authorized by chapter one hundred and sixty-eight of the acts of the present year, being in addition to the eighteen hundred dollars appropriated by chapter two of the acts of the present year.

District attorney for middle district.

For the salary of the auditor of the Commonwealth, five hundred dollars, as authorized by chapter one hundred and ninety-five of the acts of the present year, being in addition to the two thousand five hundred dollars appropriated by chapter three of the acts of the present year.

Auditor.

For the salary of the first clerk in the department of the auditor of the Commonwealth, two hundred dollars, as authorized by chapter one hundred and ninety-five of the acts of the present year, being in addition to the one thousand eight hundred dollars appropriated by chapter three of the acts of the present year.

Auditor's first clerk.

For the salary of the judge of probate and insolvency for the county of Suffolk, one thousand dollars, as authorized by chapter two hundred and three of the acts of the present year, being in addition to the four thousand dollars appropriated by chapter two of the acts of the present year.

Judge of probate, etc., of Suffolk County.

Clerical assistance, register of probate, etc., for Suffolk County.

For clerical assistance in the office of the register of probate and insolvency for the county of Suffolk, two hundred dollars, as authorized by chapter two hundred and five of the acts of the present year, being in addition to the allowance authorized said register and appropriated in the sum for extra clerical assistance to the courts of probate and insolvency in chapter two of the acts of the present year.

Commissioner on State aid.

For the salary of the third commissioner on state aid, the sum of three hundred dollars, as authorized by chapter two hundred and fourteen of the acts of the present year, being in addition to the four thousand five hundred dollars appropriated by chapter three of the acts of the present year.

Secretary of board of education.

For the salary of the secretary of the board of education, the sum of five hundred dollars, as authorized by chapter two hundred and twenty seven of the acts of the present year, to be paid out of the moiety of the income of the Massachusetts school fund applicable to educational purposes, being in addition to the two thousand nine hundred dollars appropriated by chapter three of the acts of the present year.

Small items of expenditure.

For small items of expenditure for which no appropriations have been made, or for which appropriations have been exhausted or reverted to the treasury in previous years, a sum not exceeding one thousand dollars.

Prison and hospital loan sinking fund.

For the prison and hospital loan sinking fund, the sum of sixty thousand dollars, as authorized by section thirty-six, chapter two hundred and fifty-five of the acts of the year eighteen hundred and eighty-four.

Compensation of messengers, etc.

For the compensation of doorkeepers, messengers and pages to the senate and house of representatives, a sum not exceeding twelve thousand dollars, being in addition to the ten thousand dollars appropriated by chapter one of the acts of the present year.

New York and New England Railroad.

For the purpose of protecting the interests of the Commonwealth in the bonds of the New York and New England railroad company, as authorized by chapter six of the resolves of the year eighteen hundred and eighty-four, a sum not exceeding five thousand dollars.

Commonwealth's flats improvement fund.

For the Commonwealth's flats improvement fund, one hundred thousand dollars, as authorized by section two of chapter three hundred and fourteen of the acts of eighteen hundred and eighty-four.

For expenses in connection with the examination of official bonds in the custody of the treasurer and receiver-general, a sum not exceeding five hundred dollars, to be expended with the approval of the governor and council, as authorized by chapter thirty-two of the acts of the present year.

Examination of official bonds.

SECTION 2. This act shall take effect upon its passage.

*Approved June 3, 1885.*

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF ESSEX TO LAY OUT AND CONSTRUCT A FOOTWAY BETWEEN HAVERHILL AND BRADFORD.

*Chap. 285*

*Be it enacted, etc., as follows :*

SECTION 1. The county commissioners for the county of Essex are hereby authorized, if in their judgment public convenience warrants the necessary cost of construction and maintenance, as soon as may be after the passage of this act and before the first day of July in the year eighteen hundred and eighty-seven, to lay out and construct a footway for the common use of foot passengers, from a point near the northerly end of Blossom Street, in Bradford, in said county, across the Merrimack River to a point on Washington Street near the crossing of the Boston and Maine Railroad in Haverhill, in said county, and for that purpose to attach a sidewalk to the bridge of the Boston and Maine Railroad over the Merrimack River at Haverhill, which sidewalk shall be a part of said footway; the manner and position of attachment of said sidewalk to said bridge to be subject to the approval of the railroad commissioners.

County commissioners may construct a footway across Merrimack River between Bradford and Haverhill.

SECTION 2. To secure and accomplish the objects of the preceding section, and for the purpose of obtaining convenient approaches to said sidewalk, said county commissioners may take such lands, buildings, wharves, piers and structures of any person or corporation as they may deem necessary, and may erect and place such structures on or over such lands, buildings, wharves, piers and structures of any person or corporation as they may deem necessary: *provided*, that they shall not take up or remove any track now laid by the Boston and Maine Railroad except with the consent of the railroad commissioners, nor erect or place any structure over any such track which shall prevent the convenient passage of trains thereon.

May take lands and structures.

*Proviso.*

To cause to be recorded in the registry of deeds a description of the land, etc., taken.

SECTION 3. Said county commissioners shall, within sixty days after the taking of any lands, buildings, wharves, piers or structures as aforesaid, and within sixty days after the erection of any structure on or over any lands, buildings, wharves, piers or structures as aforesaid, other than by agreement with the owner thereof, file and cause to be recorded in the registry of deeds for the southern district of Essex county a description thereof, sufficiently accurate for identification, with a statement of the purposes for which the same were taken or used, signed by the chairman of said commissioners.

Assessment of damages.

SECTION 4. Any person or corporation sustaining damages in property by reason of any doings of said county commissioners, under the authority of the preceding sections, who fails to agree with said commissioners as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of twelve months from such doings, but no application shall be made after the expiration of said twelve months.

To conform to requirements of the railroad, and harbor and land commissioners.

SECTION 5. In the location and construction of such footway, including said sidewalk and approaches, said county commissioners shall conform to such requirements as may be made by the board of railroad commissioners and the board of harbor and land commissioners in the premises, and shall not proceed to the location and construction of the same until the plans therefor have been approved by said board of railroad commissioners and board of harbor and land commissioners.

Liability for damages.

SECTION 6. Nothing in this act contained shall be construed to impose any liability on the Boston and Maine Railroad for damages for bodily injuries sustained by any person while travelling on that part of said footway attached to said bridge, or in any way to affect or impair the obligations imposed upon said railroad by chapter two hundred and sixty-five of the laws of the year eighteen hundred and eighty-one.

Apportionment of expense in addition to private subscriptions.

SECTION 7. The said county commissioners are authorized to receive and expend upon the construction of said footway such sum or sums as may be raised for that purpose by private subscription, and shall, after due notice to all parties interested, and after a hearing of all such parties, proceed to apportion and assess upon the city of

Haverhill and the town of Bradford the remaining cost of locating and constructing said footway, including said approaches and sidewalk, over and above the amount received from private subscription, in such proportion as they shall deem just and equitable. Said county commissioners shall also determine what proportion said city and town shall pay annually for the cost of repairs and maintenance of said footway, including said approaches and sidewalk.

Repairs and maintenance.

SECTION 8. The treasurer of the city or town having the care of the repairs and maintenance of said footway, including said approaches and sidewalk, and paying therefor out of the treasury of said city or town, shall make a sworn statement to the said county commissioners of the annual expense thereof, on or before the first day of January in each year, and the said city or town shall be entitled to recover in an action of contract from said other city or town the proportion said city or town should pay.

Sworn statement of annual cost of repairs to be made.

SECTION 9. The county commissioners of the said county of Essex are hereby authorized to hire such sums of money as may be necessary to comply with the provisions of this act.

Commissioners may hire money, etc.

SECTION 10. This act shall take effect upon its passage.

*Approved June 3, 1885*

AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE FIRST DISTRICT COURT OF NORTHERN WORCESTER.

*Chap. 286*

*Be it enacted, etc., as follows:*

The annual salary of the clerk of the first district court of northern Worcester shall be eight hundred dollars, beginning with the first day of July in the year eighteen hundred and eighty-five.

Salary established.

*Approved June 4, 1885.*

AN ACT TO AUTHORIZE THE PURCHASE OF ADDITIONAL LAND FOR THE REFORMATORY PRISON FOR WOMEN.

*Chap. 287*

*Be it enacted, etc., as follows:*

SECTION 1. The commissioners of prisons are hereby authorized to purchase and hold in behalf of the Commonwealth, for the use of the reformatory prison for women, a portion, not exceeding nineteen acres in extent, of the land lying upon the northerly side of said prison and now owned by William Knowlton of Upton, and a portion, not exceeding twelve acres in extent, of the land lying on the easterly side of the road leading from South Framingham

Additional land for the reformatory prison for women.

to said prison and now owned by Joshua Smith of Framingham; and they may pay for the said land of said Knowlton, with the buildings thereon, a sum not exceeding eight thousand dollars, and for said land of said Smith a sum not exceeding three thousand six hundred dollars: *provided, however*, that neither of said purchases shall be made without the approval of the governor and council.

Proviso.

SECTION 2. This act shall take effect upon its passage.

*Approved June 4, 1885.*

### *Chap.*288 AN ACT CONCERNING THE GREAT SEAL OF THE COMMONWEALTH.

*Be it enacted, etc., as follows:*

Great seal of the Commonwealth.

SECTION 1. The great seal of the Commonwealth shall be circular in form, and shall bear upon its face a representation of the arms of the Commonwealth, with an inscription round about such representation, consisting of the words “*Sigillum Reipublicæ Massachusettsensis*”; but the colors of such arms shall not be an essential part of said seal, and an impression from an engraved seal according to said design, on any commission, paper or document of any kind, shall be valid to all intents and purposes whether such colors, or the representation of such colors by the customary heraldic lines or marks, be employed or not.

Arms of the Commonwealth.

SECTION 2. The arms of the Commonwealth shall consist of a shield, whereof the field or surface is blue, and thereon an Indian dressed in his shirt and moccasins, holding in his right hand a bow, in his left hand an arrow, point downward, all of gold; and in the upper corner above his right arm a silver star with five points. The crest shall be a wreath of blue and gold, whereon is a right arm bent at the elbow, and clothed and ruffled, the hand grasping a broadsword, all of gold. The motto shall be “*Ense petit placidam sub libertate quietem.*”

Seal now in use to be deemed the official seal.

SECTION 3. The seal of the Commonwealth, now in use in the office of the secretary of the Commonwealth, shall be deemed the seal authorized by this act so long as its use may be continued.

SECTION 4. This act shall take effect upon its passage.

*Approved June 4, 1885.*

AN ACT CONCERNING THE ISSUING OF WARRANTS IN BASTARDY CASES. *Chap. 289*

*Be it enacted, etc., as follows :*

Section one of chapter eighty-five of the Public Statutes is hereby amended so as to read as follows :— When a woman who has been delivered of a bastard child, or is pregnant with a child which if born alive may be a bastard, makes a complaint to a police, district or municipal court, to a clerk thereof or to a trial justice, and desires to institute a prosecution against the person whom she accuses of being the father of the child, the court, clerk or trial justice shall take her accusation and examination in writing, under oath, respecting the person accused, the time when and the place where the complainant was begotten with child, and such other circumstances as the court, clerk or trial justice deems necessary for the discovery of the truth of such accusation. The court, clerk or trial justice may issue a warrant against the person accused, returnable before the same or any other court or trial justice having jurisdiction thereof in the county. The warrant shall run throughout the state, and any officer to whom it is directed may serve it and apprehend the defendant in any county.

Warrants in  
bastardy cases.

*Approved June 5, 1885.*

AN ACT TO CONFIRM CERTAIN PROCEEDINGS OF THE ST. JEAN BAPTISTE SOCIETY OF MARLBOROUGH. *Chap. 290*

*Be it enacted, etc., as follows :*

SECTION 1. All acts and proceedings of the St. Jean Baptiste Society of Marlborough, a corporation duly established under the laws of this Commonwealth, which said corporation might legally do, so far as the same are affected by any defect or irregularity in the manner of the election of its members or officers, or the qualifications of the same, are hereby ratified and confirmed.

Proceedings  
confirmed.

SECTION 2. This act shall take effect upon its passage.

*Approved June 5, 1885.*

AN ACT PROVIDING FOR THE APPOINTMENT OF OFFICIAL STENOGRAPHERS FOR THE SUPERIOR COURT. *Chap. 291*

*Be it enacted, etc., as follows :*

SECTION 1. The judges of the superior court or a majority of them shall appoint a stenographer for each county, except the county of Suffolk, to serve as herein provided,

Stenographers  
to be appointed,  
who shall be  
sworn officers  
of the court.

who shall be sworn officers of said court, and shall each receive the sum of seven dollars for each day's actual and necessary attendance at court, to be paid by the county in which such term of court is held upon the certificate of the presiding judge as to such attendance.

To attend all sessions of the court for civil business.

SECTION 2. It shall be the duty of such stenographers to attend all sessions of said court held for civil business in the counties for which they are severally appointed, and to take stenographic notes of all evidence taken at such trials and of the rulings and charge of the presiding judge, and when requested by such judge to read from such notes in open court any portion of the testimony so taken, and to furnish such judge, when requested, a transcript from such notes fully written out of such part of such testimony, charge or rulings as may be desired, and upon request to furnish either party to such action within a reasonable time a like transcript upon payment of seven cents a hundred words for each copy so furnished. In case the presiding judge requires a transcript as aforesaid said stenographer shall be entitled to payment therefor at the same rate, and said judge shall order the expense thereof to be paid equally by the parties to the action, and may enforce payment thereof, and the amount so paid may be recovered as costs by the prevailing party.

Copies of notes fully written out to be furnished when requested.

May be removed from office by the judges.

SECTION 3. Said stenographers may be removed from office by the judges of said court or a majority of them; and in case of such removal, or of the death, resignation or inability of any such stenographer to discharge the duties of his office said court may appoint a successor in his stead; and in case of the sickness or temporary absence of such stenographer the presiding judge may appoint a competent person to act during such sickness or temporary absence.

May be appointed for more than one county, and not debarred by reason of sex.

SECTION 4. The same person may be appointed stenographer of said court for more than one county; and no person shall be debarred by reason of sex from appointment as stenographer under this act.

Examination not to be interrupted, except, etc.

SECTION 5. During the trial of a case at which the stenographer is present, the examination of witnesses shall not be interrupted for the purpose of having notes of their testimony taken except by such stenographer.

To take effect Oct. 1, 1885.

SECTION 6. This act shall take effect upon the first day of October, eighteen hundred and eighty-five.

*Approved June 5, 1885.*

## AN ACT IN RELATION TO THE LICENSING OF DOGS.

Chap.292

*Be it enacted, etc., as follows:*

Any owner or keeper of a dog not duly licensed which becomes three months old after the thirtieth day of April in any year shall whenever it is three months old cause it to be registered, numbered, described and licensed until the first day of the ensuing May as provided in section eighty of chapter one hundred and two of the Public Statutes, and shall cause it to wear around its neck a collar distinctly marked with its owner's name and its registered number.

Licensing of dogs.

*Approved June 5, 1885.*

## AN ACT IN RELATION TO THE PARTITION OF LANDS BY PROBATE COURTS.

Chap.293

*Be it enacted, etc., as follows:*

SECTION 1. Probate courts on a petition for the partition of lands, instead of assigning to each owner his share therein, as now required by statute, may set off and assign to the petitioner or petitioners his or their share or shares, and the residue of the premises shall remain for the person or persons entitled thereto, and subject, if more than one person is so entitled, to a future partition.

Partition of lands by probate courts.

SECTION 2. This act shall take effect upon its passage.

*Approved June 5, 1885.*

## AN ACT TO FURNISH THE TOWN OF BEVERLY WITH WATER, AND TO INCREASE THE SUPPLY THEREOF.

Chap.294

*Be it enacted, etc., as follows:*

SECTION 1. The town of Beverly may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; may establish fountains and hydrants, re-locate or discontinue the same; may regulate the use of such water and fix and collect rates to be paid for the use of the same.

Water supply for Beverly.

SECTION 2. The said town for the purposes aforesaid, and for the purposes of obtaining a more convenient supply of water, may draw and convey directly from Wenham Pond, so called, in the towns of Wenham and Beverly, so much of the waters thereof and of the waters which flow into and from the same as it may require, and, except as hereinafter provided, may take by purchase or otherwise and hold any lands, rights of way or easements necessary for holding and preserving such water and for conveying

Town may take waters from Wenham Pond.

May take lands, etc.

May erect dams  
and other struc-  
tures.

May lay down  
conduits and  
pipes.

May dig up  
lands.

To cause to be  
recorded in  
registry of deeds  
a description of  
land, etc., taken.

Liability for  
damages.

Beverly W  
Loan.

the same to any part of said town of Beverly; and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures; and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and, except as hereinafter provided, may construct and lay down conduits, pipes and other works, under or over any lands, public works, water courses, railroads, or public or private ways, and along any such way in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works and for all proper purposes of this act said town may dig up any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

SECTION 3. The said town shall within sixty days after the taking of any lands, rights of way or easements as aforesaid, otherwise than by purchase, file or cause to be recorded in the registry of deeds for the county and district within which such lands or other property is situated a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the selectmen of the town.

SECTION 4. The said town shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way or easement, or by any other thing done by said town under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of said three years.

SECTION 5. The said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time

bonds, notes or scrip to an amount not exceeding in the aggregate one hundred and fifty thousand dollars; such bonds, notes and scrip shall bear on their face the words "Beverly Water Loan;" shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer and be countersigned by the selectmen of the town. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said town shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

Bonds not to exceed \$150,000.

Sinking fund to be established.

SECTION 6. The said town instead of establishing a sinking fund may, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter, until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

May make annual proportionate payments instead of establishing sinking fund.

SECTION 7. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act and if none is established whether action has been taken in accordance with the provisions of the preceding section, and the amounts raised and applied thereunder for the current year.

Return to state amount of fund, etc.

SECTION 8. The said town shall raise annually by taxation a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

To raise by taxation sufficient to pay current expenses and interest.

Penalty for wilfully corrupting or diverting water.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters of the source drawn from, or any of the waters held under this act, or injures any structure, work or other property owned, held or used by said town under the authority and for the purpose of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

To make certain payments to the city of Salem.

SECTION 10. The said town shall, upon completion of its conduits, water pipes and other works herein authorized, or as soon as it shall have begun to supply its inhabitants with water independent of the works of the city of Salem, on demand thereof pay to the said city one-third of the expense heretofore sustained by said city on account of the payment of damages and costs for land, water rights and easements purchased or taken for the purposes of securing a sufficient supply of water at said pond and preserving the purity thereof; and thereafter so long as both said city and said town shall take water from said pond, said town shall annually pay to said city one-third of the expenses which said city shall reasonably incur, or shall incur as provided in sections twelve and thirteen of this act, in consequence of the request of said town in securing and preserving the purity of the waters of said pond, whether said expense shall be for damages on account of the taking of land or for damages on account of flowage, or incurred by reason of any other thing done for the purposes aforesaid. And upon the payment by said town to said city of the said one-third of the expenses, damages and costs of the lands, water rights or easements heretofore taken or that may be hereafter purchased or taken as aforesaid, said city shall execute and record a declaration of trust in or concerning said lands, water rights and easements, declaring that one undivided third part of the same is held in trust for said town, and that said town is entitled to the beneficial enjoyment of said one undivided third part thereof.

Not to take land, etc., which have been taken by Salem.

SECTION 11. The said town shall not take any land, rights of way or easements which have been taken by purchase or otherwise by the said city under authority of

chapter two hundred and sixty-eight of the acts of the year eighteen hundred and sixty-four or of any act amendatory thereof or in addition thereto, nor interfere with any water works which have been or may be hereafter constructed or may be in process of construction by said city under said authority: *provided*, that said town may lay and maintain a water pipe or main and construct the works necessary therefor to said pond through any part of land so taken by said city, but not within twenty rods of the conduit leading from the engine house of said city to said pond, on the southwesterly side of said conduit, nor within six rods of said conduit on the northwesterly side thereof, nor along any portion of the roadway constructed by said city leading to said pond. And said town may draw from said pond such water as it may require without paying or in any way compensating said city therefor; but if for any reason the supply of water in said pond is insufficient to supply the needs of said city and its inhabitants and of said town and its inhabitants then upon request of said city the said town shall provide at its own expense some reliable means or methods of measuring and registering the amount of water thereafter taken by it from said pond, similar to a like method to be provided by said city at its own expense, to ascertain the amount of water taken by it from said pond; and thereafter, so long as the supply remains insufficient as aforesaid, said town shall take from said pond only so much water as shall bear the same proportion to the water taken by said city from said pond as the number of inhabitants of said town bears to the number of the inhabitants of said city; and the register of the amount of water taken by either party shall at all times be open to the inspection of the other.

Town may lay main through land taken by city.

SECTION 12. Said town shall not, under the authority granted by section two, take any land within three rods of the shore of said pond, nor enter upon or in any way interfere with any land except as expressly provided in section eleven, nor shall it take any water or water rights, or interfere with the water of said pond or any waters flowing into the same, except as herein before expressly provided. In case said town shall deem it necessary or expedient, for the purpose of securing a sufficient supply of water at said pond and preserving the purity thereof, that more of the land around the margin of said pond or

Town not to take land within three rods of shore of pond.

any further water rights or easements which said town is not authorized to take should be taken, or that any dam should be erected or altered or any other proper thing done for the purposes aforesaid, said town may request said city to take any such land, water rights or easements, or to do any such acts; and in case said city shall take any such land, water rights or easements, or shall erect or construct any work in accordance with such request, said city shall hold the same in the same manner as is herein provided.

In case of disagreement between Beverly and Salem, commissioners to be appointed.

SECTION 13. In case said city fails to comply with any request made by said town as provided in section twelve and said town insists upon said request being complied with, then the matter in controversy shall be determined by three commissioners to be appointed by the superior court in the county of Essex, upon application of either said city or town and notice to the other, whose award when accepted by said court shall be binding upon all parties. And in case that said award shall be that said city shall do anything requested of it by said town as provided in section twelve, said city shall forthwith comply with the same.

When works are completed, authority to connect pipes with Salem water works to cease.

SECTION 14. When said town shall have completed its water works and is fully prepared to supply itself and its inhabitants with water independently of the works of said city, the authority given to said town by chapter two hundred and sixty-eight of the acts of the year eighteen hundred and sixty-four, and by chapter three hundred and eighty of the acts of the year eighteen hundred and sixty-nine, and also by sections two and three of chapter one hundred and forty-three of the acts of the year eighteen hundred and seventy-seven, to connect its water pipes with those of said city and to continue connection therewith and thus supply its inhabitants with water, as well as any other authority given to said town in and by said acts, shall cease, except the right to maintain hydrants for fire purposes as now existing, which shall only be opened and used by said town in case of exigency and with the consent in each case of the mayor or chief engineer of the fire department of said city; and said connection shall be discontinued at the expense of said town, unless any connection be maintained by mutual agreement, under the supervision of the superintendents of the water works of said city and said town, who shall

Hydrants may continue for fire purposes.

also determine the means of measuring the water in case the supply is inadequate as aforesaid. And if in any case said superintendents fail to agree either of them may apply to the engineer of the Boston water works, who, having notified and heard the parties, shall determine the matters of difference, giving notice to both parties of his decision which shall be binding on both parties; and he shall assess all his reasonable expenses and charges upon said city or said town as he shall deem equitable.

If superintendents disagree, the engineer of Boston water works to determine the matter.

SECTION 15. The said town in carrying out the purposes of this act may make such contracts, leases or agreements as it may deem expedient, with such person or persons as it may deem proper, to construct, maintain, operate and manage the water works herein before provided for.

Town may make contracts, etc., to construct and manage works.

SECTION 16. Neither said city nor said town shall sell or supply any water taken from said pond to any other city, town, water company or aqueduct corporation; nor allow any such water to be used beyond the limits of said city or said town.

Water not to be supplied to other cities or towns.

SECTION 17. This act shall take effect upon its passage; but shall become void unless accepted by a vote of two-thirds of the voters present and voting thereon at a legal town meeting called and held for that purpose within two years from its passage; and unless said town has begun to supply its inhabitants with water through the works herein before provided for independently of said city as herein before provided, within five years from the passage of this act.

Subject to acceptance by a two-thirds vote.

*Approved June 5, 1885.*

AN ACT TO AUTHORIZE THE CITY OF SALEM TO CONSTRUCT, LAY AND MAINTAIN A NEW WATER MAIN.

*Chap. 295*

*Be it enacted, etc., as follows:*

SECTION 1. The city of Salem, for the purpose of more conveniently supplying itself and its inhabitants with water, is hereby authorized to construct, lay and maintain a main water pipe commencing at the reservoir now used by said city near Wenham pond in the town of Beverly, thence following the natural valley and crossing the tide waters known as the Essex Branch, thence to Liberty Hill road in said Salem, thence through and along said road and North street to a point of junction with the water pipes of said city already laid therein.

Salem may construct a new water main.

May take land,  
etc.

May lay down  
pipe under or  
over water  
courses, lands,  
etc.

To record in  
registry of  
deeds a descrip-  
tion of land,  
etc., taken.

Liability for  
damages.

SECTION 2. The said city for the purposes aforesaid may take, by purchase or otherwise, and hold such lands, flats, rights of way, water rights or easements, as may be necessary or convenient for constructing, laying and maintaining such main water pipe; and may construct and lay down such water pipe and other necessary works under or over any lands, water courses, railroads, or public or private ways, and along any such way, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such water pipe and other works, and for all proper purposes of this act, said city may dig up any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways. The said water pipe may be laid in or under the tide waters of said Essex branch in any convenient manner, under the direction and subject to the supervision of the board of harbor and land commissioners.

SECTION 3. The said city shall, within sixty days after the taking of any lands, flats, rights of way, water rights or easements as aforesaid, otherwise than by purchase, file and cause to be recorded, in the registry of deeds for the county and district within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the mayor of said city.

SECTION 4. The said city shall pay all damages sustained by any person or corporation in property by the taking of any land, flat, right of way, water right or easement, or by any other thing done by said city under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said city as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years.

SECTION 5. The said city may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip, to an amount not exceeding in the aggregate one hundred and fifty thousand dollars; such bonds, notes and scrip shall bear on their face the words "City of Salem Water Loan, Act of 1885"; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually, at a rate not exceeding six per centum per annum, and shall be signed by the treasurer and be countersigned by the mayor of said city. The said city may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said city shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

City of Salem  
Water Loan of  
1885, not to ex-  
ceed \$150,000.

Sinking fund to  
be established.

SECTION 6. The said city instead of establishing a sinking fund, may, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed, the amount required thereby shall, without further vote, be assessed by the assessors of said city in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

May make an-  
nual proportion-  
ate payments in-  
stead of estab-  
lishing fund.

SECTION 7. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whether action has been taken in accordance with the provisions of the preceding section, and the amounts raised and applied thereunder for the current year.

Return required  
to state amount  
of sinking fund,  
etc.

SECTION 8. The said city shall raise annually by taxation a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works, and the interest

To raise by  
taxation suffi-  
cient for cur-  
rent expenses  
and interest.

as it accrues on the bonds, notes and scrip issued as aforesaid by said city and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Town of Beverly not to connect with pipe authorized by this act.

SECTION 9. The town of Beverly shall not make any connection with, or draw any water from, any water pipe laid by said city under authority of this act; and any authority heretofore granted to said town for such purpose shall not apply to the water pipe authorized to be laid by this act.

SECTION 10. This act shall take effect upon its passage.

*Approved June 5, 1885.*

*Chap. 296* AN ACT TO SUPPLY THE TOWN OF BELMONT AND ITS INHABITANTS WITH WATER.

*Be it enacted, etc., as follows:*

Water supply for Belmont.

SECTION 1. The town of Belmont may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; may establish fountains and hydrants, re-locate or discontinue the same; may regulate the use of such water, and fix and collect rates to be paid for the use of the same.

Town may take water from any pond, etc., within its limits.

SECTION 2. The said town, for the purposes aforesaid, may take, by purchase or otherwise, and hold the waters of any pond, stream or spring within the limits of said town, and the water rights connected therewith, and may hold any water procured from any other source under the authority of this act; and may take, by purchase or otherwise, and hold all lands, rights of way and easements, necessary for holding and preserving such water, and for conveying the same to any part of said town; and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures; and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads, or public or private ways, and along any such way, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said town may dig up any such lands, and, under the

May construct and lay down conduits.

May dig up lands.

direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

SECTION 3. The said town shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded, in the registry of deeds for the county and district within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

To cause to be recorded in registry of deeds a description of land, etc., taken.

SECTION 4. The said town shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said town under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

Liability for damages.

Application for damages not to be made until water is actually diverted.

SECTION 5. The said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue, from time to time, bonds, notes or scrip, to an amount not exceeding in the aggregate one hundred and fifty thousand dollars; such bonds, notes and scrip shall bear on their face the words "Belmont Water Loan"; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually, at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town, and be countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or

Belmont Water Loan not to exceed \$150,000.

Sinking fund to be established.

private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said town shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

May make annual proportionate payments instead of establishing sinking fund.

SECTION 6. The said town, instead of establishing a sinking fund, may, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed, the amount required thereby shall, without further vote, be assessed by the assessors of said town in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

Return required to state amount of fund, etc.

SECTION 7. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established, whether action has been taken in accordance with the provisions of the preceding section, and the amounts raised and applied thereunder for the current year.

To raise by taxation sufficient for interest and current expenses.

SECTION 8. The said town shall raise annually, by taxation, a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works, and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provision of this act.

Penalty for corrupting or diverting water.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars, or by imprisonment not exceeding one year.

SECTION 10. The said town shall, after its acceptance of this act, in case it decides to supply itself and its inhabitants with water, and to construct its own water works, or to purchase the franchise and property of the Watertown Water Supply Company in said town, as herein provided, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town by this act, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as said town may impose by its vote; the said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

Board of water commissioners to be elected.

To be trustees of sinking fund.

Vacancies.

SECTION 11. The Watertown Water Supply Company is authorized to furnish from its water supply to the said town a supply of water for the use of said town and its inhabitants, for the extinguishment of fires and for domestic and other purposes, and may contract with said town for such supply of water, on such terms as may be agreed upon between said company and said town; or may furnish water for the purposes aforesaid to any inhabitants of said town; or said town may procure a supply of water for the purposes aforesaid from the city of Cambridge; but in no case without the consent of a majority of the selectmen of said town, ratified by a majority of its voters present and voting thereon at a legal town meeting called for that purpose.

Town may be supplied by the Watertown Water Supply Company, by contract.

SECTION 12. In case the said town shall contract with said company for a supply of water, or in case the said town shall grant permission to said company to furnish water to the inhabitants of said town as provided in section eleven, the said company may, under the direction of the

In case of contract, company may dig up lands, etc.

selectmen of said town, enter upon and dig up any public or private ways, in such manner as not unnecessarily to obstruct such ways, for the purpose of constructing, maintaining and repairing its conduits, pipes and other works in said town, may establish and collect water rates, and may do any other acts and things that may be necessary for the proper carrying out of the purposes of this act: *provided*, that the said town may construct its own conduits, pipes and other works, and do all other things necessary for the purposes of this act, as herein prescribed.

Town may purchase conduits, pipes, etc.

SECTION 13. In case the said company shall construct conduits, pipes and other works in said town, as provided in section twelve, the said town shall have the right at any time to purchase the conduits, pipes and other works of said company in said town, at the then actual value of the same, and the right to receive water through the same, at a price which may be mutually agreed upon between said company and said town; and the said company is authorized to make sale of the same to said town. In case the said company and said town are unable to agree, then the compensation to be paid shall be determined by three commissioners to be appointed by the supreme judicial court, upon application of either party and notice to the other, whose award, when accepted by said court, shall be binding upon all parties. This authority to purchase said franchise and property is granted on condition that the same is assented to by said town, by a two-thirds vote of the voters of said town, present and voting thereon at a legal town meeting called for that purpose.

Subject to assent by a two-thirds vote.

Provisions of 1884, 251, §§ 3, 4, 8, to apply.

SECTION 14. The provisions of sections three, four and eight of chapter two hundred and fifty-one of the acts of the year eighteen hundred and eighty-four shall apply to all acts and things done by the said Watertown Water Supply Company under the authority of this act.

Subject to acceptance by a two-thirds vote.

SECTION 15. This act shall take effect upon its acceptance by a two-thirds vote of the voters of said town, present and voting thereon at a legal town meeting called for the purpose, within three years from its passage; but the number of meetings so called in any year shall not exceed three.

*Approved June 5, 1885.*

## AN ACT TO PROMOTE THE CONSOLIDATION OF THE TROY AND GREEN-FIELD RAILROAD AND CERTAIN OTHER RAILROADS.

Chap. 297

*Be it enacted, etc., as follows:*

SECTION 1. Any twenty-five or more persons, of whom not less than three-fourths shall be inhabitants of Massachusetts, may associate themselves together by articles in writing with the intention of forming a corporation under the provisions of chapter one hundred and twelve of the Public Statutes, for the purpose of constructing, acquiring by purchase, and only when constructed or purchased, of operating, a direct and continuous line of railroad of the ordinary gauge from Boston, Somerville or Cambridge to a point on the boundary of the Commonwealth, in the town of Williamstown, with suitable terminal facilities; and when the governor with the advice and consent of the council being satisfied that the objects of this act will thereby be promoted, shall certify in writing his approval of the association; thereupon said associates and successors shall become and remain a corporation, with all the rights, powers and privileges and subject to all the duties, liabilities, limitations and restrictions which now are or shall hereafter be applicable by general laws to railroad corporations, except where special provisions otherwise are made herein; and such corporation shall organize and file with the secretary of the Commonwealth the certificate required by said chapter within three months from the passage of this act; and no payment on account of capital stock or fixing of location shall be required before filing such certificate.

New corporation may be formed.

SECTION 2. Any such corporation may from time to time determine the amount of its capital stock, which however shall not exceed the amount in the whole of one hundred thousand dollars per mile for each mile of completed double-track road, and seventy thousand dollars for each mile of such single-track road, and in addition the amount represented by and allowed by the board of railroad commissioners for terminal facilities, not exceeding three million dollars. Such portion of the capital stock as the corporation may decide may be issued as preferred stock, entitled to receive dividends upon such terms of entire or partial preference as the corporation may determine; and if preferred stock be issued, the whole or any part of the common stock may be issued with a restriction, to be expressed in the certificates thereof, limiting the right of the holder to vote thereon.

Amount of capital stock.

Preferred stock.

May issue  
bonds, secured  
by mortgage.

SECTION 3. Such corporation may from time to time issue bonds, payable at the expiration of periods not exceeding fifty years from the date of issue, at a rate of interest not exceeding five per cent. per annum, payable semi-annually, to an amount not exceeding the amount of its stock issued, which bonds shall be secured by a mortgage of the entire road, property and franchises of the corporation then or thereafter to be acquired. The mortgage shall be made to three trustees to be approved by the governor and council, of whom two at least shall at all times be residents of this Commonwealth. Such mortgage shall be made expressly subject to the encumbrance of any legally authorized mortgage, already existing, of any part of the property acquired by such corporation; and there shall be issued to the said trustees from time to time, bonds of an amount equal to the amount of the bonds and mortgage notes outstanding which are a lien upon any such property or franchises when acquired, to be reserved in the keeping of said trustees until the discharge of such lien, or turned over to the holders in discharge thereof. There shall also be issued to said trustees, bonds of an amount equal to the amount of the outstanding unsecured debts of each of the existing corporations whose entire road shall be acquired by the corporation authorized by this act, or which shall become consolidated with it under its provisions, to be reserved in the keeping of said trustees for the security of the holders of such debts until their discharge, or to be turned over to such holders in discharge thereof; and if suitable provisions to secure such reservation and disposition of such bonds shall be embraced in such mortgage, it shall be deemed a sufficient compliance with section sixty-four of chapter one hundred and twelve of the Public Statutes. But no stock or bonds shall be issued except in consideration of the transfer or consolidation of railroads which shall make a continuous and direct line of railroad, as described in the first section of this act, until after such transfer or consolidation shall have been effected.

Issue of bonds.

Corporation  
may purchase  
whole or part of  
certain rail-  
roads.

SECTION 4. Such corporation may purchase from any railroad corporation or company whose railroad will, when acquired by such corporation, form either in whole or in part a part of such a line as is described in said first section, the whole or any part of its railroad, property,

equipment and franchises, or, after it has purchased a part of such a line, may unite and consolidate such property with the road, property and franchises, or a part thereof, of any other railroad company whose road will when acquired form, in whole or in part, a part of such a line of railroad, under such name as may be agreed upon, and issue its stock and bonds in payment therefor. The construction by such corporation of any part of its line on a new location and the completion of a line already located but not constructed shall be subject to the provisions of the Public Statutes regulating the location and construction of steam railroads.

SECTION 5. Any one or more of the following named corporations, whose railroads will, with the Troy and Greenfield Railroad, form a line of railroad such as is described in said first section, viz., the Fitchburg Railroad Company, the Boston and Lowell Railroad Corporation, the Central Massachusetts Railroad Company, the Vermont and Massachusetts Railroad Company, the New Haven and Northampton Company, may sell the whole or any part of its road, equipment, property and franchises suitable for such purpose to any such corporation herein before authorized to be formed by this act, or may unite and consolidate its road and property with such corporation, or with the property known as the Troy and Greenfield Railroad and Hoosac Tunnel, and stock and bonds may be issued as provided and limited in the second and third sections of this act, and accepted in consideration thereof; but such sale or consolidation shall be conditional only, and shall not transfer any title or right of possession until a consolidation of said Troy and Greenfield Railroad and Hoosac Tunnel with such corporation or corporations shall have been effected as hereinafter authorized, and shall be void and of no effect unless such consolidation with the Troy and Greenfield Railroad and Hoosac Tunnel shall be made within three years.

Corporations  
allowed to  
unite, etc.

SECTION 6. The governor and council may agree upon a union or consolidation of the railroad, property, equipment and franchise to use the same as a railroad, known as the Troy and Greenfield Railroad and Hoosac Tunnel, with all the easements and appurtenances therewith connected (but not including the Southern Vermont Railroad), with any railroad corporation which has acquired as herein before provided, or is in lawful possession and

Governor and  
council may  
agree upon  
union or con-  
solidation.

control of a continuous line of railroad, in the condition in which said railroad now is or may be at the time of acquisition, from an eastern terminus in Boston, Somerville or Cambridge, to a connection with the Troy and Greenfield Railroad, subject in all cases to the rights of other connecting railroads under existing leases, and accept stock and bonds of such railroad corporation in consideration therefor. The governor is hereby authorized and requested with the approval of the council to execute and deliver suitable instruments of assignment or agreement to effect this purpose. Upon completion of such consolidation of properties and franchises, the corporations so united shall become and remain one corporation, with all the rights, powers and privileges and subject to all the obligations, duties, limitations and restrictions of such corporations under all general statutes of the Commonwealth applicable thereto as modified by this act, and said corporation may issue stock and bonds as herein before provided and limited. Said consolidated corporation may adopt as its corporate name the name of any existing railroad corporation which shall unite with or form a part of said consolidated corporation, or any other name not used by a railroad corporation in the Commonwealth. Any securities received by the Commonwealth under the provisions of this act shall be added to and become part of the Troy and Greenfield Railroad Loan Sinking Fund established by the two hundred and twenty-sixth chapter of the acts of eighteen hundred and fifty-four.

Name of consolidated corporation.

Troy and Greenfield Railroad Loan Sinking Fund.

Terminal facilities.

SECTION 7. After a consolidation has taken place, as provided in section six of this act, said consolidated corporation may acquire by purchase or lease from any person or corporation such additional terminal facilities as may be judged necessary or desirable for the use of its road, and issue stock and bonds therefor as provided in sections two and three of this act, and any of the railroads named in section five of this act, whose property has not been sold to or united in said consolidation as herein before provided, may sell its road, property and franchises, or any part thereof, to or consolidate them with said consolidated corporation and accept its stock and bonds in consideration therefor.

Provisions of general statutes with regard to rights of connecting railroads shall apply.

SECTION 8. The provisions of all general statutes with regard to the rights of connecting railroads shall apply to said consolidated railroad, and any corporation operating a railroad now or hereafter connecting with the Troy and

Greenfield Railroad and Hoosac Tunnel shall have its traffic, both passenger and freight, transported over said Troy and Greenfield Railroad and Hoosac Tunnel at all reasonable times in such manner as to afford reasonable facilities for receiving and delivering passengers to and from each of the other railroads now or hereafter connecting as aforesaid and said Troy and Greenfield Railroad, and provided with terminal facilities, without discrimination in any respect as compared with that of the corporation owning said Troy and Greenfield Railroad and Hoosac Tunnel, at a fair charge based upon the average cost per mile of transportation thereon and the cost of other service rendered. In fixing such charge, after establishing the average cost per mile, said tunnel and any part of three miles to the eastward of the east portal may, if such allowance shall be deemed just and reasonable by the board of railroad commissioners, reference being had to the valuation of said Troy and Greenfield Railroad and Hoosac Tunnel, which shall be established and agreed upon in effecting said consolidation; be reckoned at not exceeding three times its actual length. The conveyance or agreement of the Commonwealth shall contain suitable stipulations to secure these provisions by contract. If the parties are unable to agree upon the service to be rendered or the charges to be paid therefor, under this section, the railroad commissioners shall have authority from time to time on application of either party to establish regulations for such service and fix rates, which shall not be changed within one year thereafter except by joint consent: *provided*, that if the New Haven and Northampton Company shall be unable to agree with said consolidated corporation upon the terms, methods and place of exchanging passengers and freight passing to and from its railroad and the railroad of said consolidated corporation, then the said New Haven and Northampton Company shall have the right to run its own cars and engines over the said Troy and Greenfield Railroad to and from Conway Junction and Shelburne Falls, under the reasonable rules, regulations and control of said consolidated corporation, and said New Haven and Northampton Company, the Central Massachusetts Railroad Company and every other corporation operating a railroad hereafter connecting with said Troy and Greenfield Railroad shall be furnished by said consolidated corporation with reasonable station and ter-

Railroad commissioners to establish regulations for service, etc., if parties cannot agree.

minimal facilities, paying a reasonable compensation therefor. And if any such connecting railroad corporation and said consolidated corporation cannot agree upon such rules and regulations and compensation as herein before mentioned the board of railroad commissioners shall from time to time determine and establish the same.

Consolidated corporation may unite with railroads established in New York and Vermont.

SECTION 9. For the purpose of owning, maintaining and operating such a line of railroad as is herein before described to a connection with some other line or lines of railroad at the Hudson River or at some other point in the state of New York, said consolidated corporation, after it has acquired such a line of railroad as is herein before described, may unite with a corporation or corporations established by authority of the states of New York and Vermont, or either of them, and which is by ownership or lease for more than fifty years, in lawful possession of a line or lines of connected railroad from a connection with the railroad of said consolidated corporation, to the western termination or terminations of the line of such other railroads described in this section, on a basis of capital including stock and bonds such as may be agreed upon, not exceeding the limits specified in sections two and three of this act, with sufficient authority to operate the same; and the united corporations shall thereafter become one corporation, with all the rights, powers and privileges and subject to all the obligations, duties, limitations and restrictions in this Commonwealth of the corporation hereby created.

May lease other railroads for terms not less than fifty years.

SECTION 10. Instead of uniting with another railroad corporation as provided in section nine of this act, the corporation may, after it has acquired such a railroad as is described in the first section of this act, lease for a term of not less than fifty years the road or roads of any such corporation or corporations as are described in said section nine, and operate the same when so leased in connection with its own road, or may purchase the road, property and franchises of such corporation or corporations, and issue its stock and bonds in payment therefor to an amount not exceeding the limit and in the manner provided in the second and third sections of this act.

Southern Vermont Railroad.

SECTION 11. For further carrying out the purpose of sections nine and ten of this act, the governor and council may unite and consolidate the interest which the Commonwealth has in the Southern Vermont Railroad, as

provided in section nine of this act, or sell it as provided in section ten of this act, concurrently with a consolidation or sale of other railroad properties, according to the provisions of said sections.

SECTION 12. After consolidation as provided in section nine of this act, or lease or purchase as provided in section ten of this act, the consolidated corporation may lease a line of road extending westward not farther than Buffalo in the state of New York, and connecting at its western terminus with a line or lines of railroad extending further west, or may make suitable traffic contracts with a corporation or corporations owning or in lawful possession under a lease for fifty years or more of such a line of railroad.

May lease line of road extending westward to Buffalo, in New York.

SECTION 13. The consolidated corporation formed under the provisions of this act shall not sell or lease its road or franchise, or any part thereof, without the consent of the legislature.

Not to be sold or leased without consent of legislature.

SECTION 14. This act shall take effect upon its passage.

*Approved June 5, 1885.*

AN ACT TO AUTHORIZE HORACE S. CROWELL TO BUILD A CAUSEWAY OR BRIDGE FROM FAIRHAVEN TO LONG AND WEST ISLANDS.

*Chap. 298*

*Be it enacted, etc., as follows:*

SECTION 1. Horace S. Crowell may build and maintain a causeway or bridge from a point on Scenticut Neck, so called, in the town of Fairhaven, across tide water to Long Island and thence to West Island in Buzzard's Bay, for a roadway to connect his lands in said Fairhaven and on said islands; subject to the provisions of chapter nineteen of the Public Statutes and of any other laws which are or may be in force applicable thereto. Said causeway or bridge may be built with or without draws as may be determined by the board of harbor and land commissioners.

May build causeway or bridge in Fairhaven.

SECTION 2. This act shall take effect upon its passage.

*Approved June 8, 1885.*

AN ACT REQUIRING NOTICE OF ASSESSMENTS OF BETTERMENTS TO BE GIVEN TO THE PARTY TO BE CHARGED THEREBY.

*Chap. 299*

*Be it enacted, etc., as follows:*

Notice of any assessment of betterments hereafter made under the provisions of chapter fifty-one of the Public Statutes shall within three months from the date thereof

Notice of assessment of betterments to party to be charged.

be given by the board of city or town officers making such assessment to the party to be charged thereby, or to his agent, tenant or lessee. *Approved June 8, 1885.*

*Chap.*300 AN ACT RELATING TO INSURANCE BY FOREIGN INSURANCE COMPANIES.  
*Be it enacted, etc., as follows:*

Licenses to procure insurance in foreign companies not authorized to do business in this state.

SECTION 1. The insurance commissioner, upon the annual payment of a fee of twenty dollars, may issue licenses to citizens of this Commonwealth, subject to revocation at any time, permitting the person named therein to procure policies of fire insurance on property in this Commonwealth in foreign insurance companies not authorized to transact business in this Commonwealth. Before the person named in such a license shall procure any insurance in such companies on any property in this Commonwealth he shall in every case execute and file with the insurance commissioner an affidavit that he is unable to procure, in companies admitted to do business in the Commonwealth, the amount of insurance necessary to protect said property, and shall only procure insurance under such license after he has procured insurance in companies admitted to do business in this Commonwealth to the full amount which said companies are willing to write on said property. Each person so licensed shall keep a separate account of the business done under the license, a certified copy of which account he shall forthwith file with the insurance commissioner, showing the exact amount of such insurance placed for any person, firm or corporation, the gross premium charged thereon, the companies in which the same is placed, the date of the policies and the term thereof; and before receiving such license shall execute and deliver to the treasurer and receiver-general of the Commonwealth a bond in the penal sum of two thousand dollars, with such sureties as the treasurer and receiver-general shall approve, with a condition that the licensee will faithfully comply with all the requirements of this section, and will file with the treasurer and receiver-general, in January of each year, a sworn statement of the gross premiums charged for insurance procured or placed under such license during the year ending on the thirty-first day of December next preceding, and at the time of filing such statement will pay into the treasury of the Commonwealth a sum equal to four per cent. of such gross premiums.

Bond to the treasurer and receiver-general.

Payments into the treasury.

SECTION 2. Such licensed person, who shall make a wilfully false statement or affidavit, or shall neglect or refuse to make the statements required under the provisions of the foregoing section, shall be punished by a fine not exceeding five hundred dollars for each offence, to be recovered to the use of the Commonwealth, in addition to any other penalty incurred thereby.

Penalty for making false statement.

SECTION 3. The penalty contained in section two hundred of chapter one hundred and nineteen of the Public Statutes and the provisions of the last clause of section two hundred and twenty-four of said chapter shall not apply to insurance effected in compliance with the provisions of this act.

Penalty in P. S. 119, § 200, etc., not to apply.

SECTION 4. This act shall take effect upon its passage.

*Approved June 8, 1885.*

AN ACT TO AUTHORIZE THE FIRE DISTRICT OF PITTSFIELD AND THE COUNTY OF BERKSHIRE TO CONSTRUCT CERTAIN SEWERS IN THE TOWN OF PITTSFIELD.

*Chap. 301*

*Be it enacted, etc., as follows:*

SECTION 1. The fire district of the town of Pittsfield is hereby authorized to construct a main drain or common sewer in said fire district from a point just below the dam of Martin Van Sickler's cotton factory to a point on or near the lands of Daniel J. Dodge near the Boston and Albany Railroad, under the provisions of chapter one hundred and twenty of the acts of the year eighteen hundred and seventy-eight; but the board of commissioners of sidewalks, common sewers and main drains of said fire district shall not assess upon the lands benefited thereby any greater proportion of the whole expense of making said sewer than said fire district shall direct, and in no event to exceed more than two thirds of said expense.

Fire district may construct a sewer in Pittsfield, near Boston and Albany Railroad.

SECTION 2. The said fire district is authorized also to construct a common sewer from the house of correction in said fire district to some convenient point in the line of the sewer or main drain described in section one, and make an agreement with the county of Berkshire for the payment of the expense of the construction of the sewer described in this section and its connection with said first mentioned sewer. The commissioners of Berkshire County are hereby authorized in their discretion to pay to said fire district such a sum of money not exceeding three thousand dollars towards the construction of said sewer

May construct sewer from the house of correction.

from said house of correction to, and its connection with, said sewer described in section one as to them shall seem reasonable. And said county commissioners are authorized to borrow on the credit of said Berkshire County and to use for the purpose aforesaid the sum of three thousand dollars.

May borrow not  
exceeding  
\$12,000.

SECTION 3. For the purposes named in this act said fire district is hereby authorized to borrow on the credit of said fire district a sum of money not exceeding twelve thousand dollars to be paid as follows, namely:— One-third thereof out of the taxes of the year eighteen hundred and eighty-six; one-third thereof out of the taxes of the year eighteen hundred and eighty-seven; and one-third out of the taxes of the year eighteen hundred and eighty-eight.

SECTION 4. This act shall take effect upon its passage.

*Approved June 8, 1885.*

**Chap. 302** AN ACT IN RELATION TO THE RIGHTS OF THE WIDOW AND FAMILY  
OF A DECEASED PERSON IN HIS FAMILY BURIAL LOT.

*Be it enacted, etc., as follows:*

Rights of a  
widow, etc., in  
family burial  
lot.

SECTION 1. Chapter eighty-two of the Public Statutes is amended by striking out the third section thereof and inserting in place thereof the following:— Lots in such cemeteries shall be held indivisible, and upon the decease of a proprietor of such lot the title thereto shall descend to his heirs at law or devisees, subject however to the following limitations and conditions: If he leaves a widow and children, they shall have in common the possession, care and control of said lot during her life. If he leaves a widow and no children, she shall have the possession, care and control of such lot during her life. If he leaves children and no widow, they or the survivor of them shall in common have the possession, care and control of such lot during the life of the survivor of them. The parties having such possession, care and control of such lot during the term thereof, may erect a monument and make other permanent improvements thereon. The widow shall have a right of interment for her own body in such lot or in a tomb in such lot, and a right to have her body remain permanently interred or entombed therein, except that her body may be removed therefrom to some other family lot or tomb with the consent of her heirs. At any time when more than one person is entitled to the possession, care and control of such lot, the persons so entitled thereto

shall designate in writing to the clerk of the corporation which of their number shall represent the lot, and on their failure so to designate, the board of trustees or directors of the corporation shall enter of record which of said parties shall represent the lot, while such failure continues. The widow may at any time release her right in such lot, but no conveyance or devise by any other person shall deprive her of such right.

Widow may  
release her  
right.

SECTION 2. Nothing in this act shall be taken as a repeal of the provisions of chapter two hundred and sixty-two of the acts of the year eighteen hundred and eighty-three.

Not to repeal  
1883, 262

*Approved June 8, 1885.*

AN ACT IN RELATION TO TRESPASS UPON LAND APPURTENANT TO PRISONS AND TO THE DISTURBANCE OF SUCH INSTITUTIONS.

*Chap. 303*

*Be it enacted, etc., as follows:*

Whoever shall wilfully trespass upon land belonging to the Commonwealth appurtenant to the state prison, Massachusetts reformatory, or reformatory prison for women, or upon any land belonging to any county and appurtenant to any jail or house of correction, or, after notice from an officer of either of said institutions to leave said land, shall remain thereon, or shall wilfully disturb any of said institutions, or in any manner seek to attract the attention of, or, without the permission of the officer in charge, shall have any communication with, any inmate thereof, shall be punished by imprisonment in the jail not exceeding three months or by a fine not exceeding fifty dollars.

Trespass upon  
land appurte-  
nant to prisons.

*Approved June 8, 1885.*

AN ACT RELATING TO CLERICAL ASSISTANCE IN THE OFFICE OF THE REGISTER OF PROBATE AND INSOLVENCY IN THE COUNTY OF MIDDLESEX.

*Chap. 304*

*Be it enacted, etc., as follows:*

SECTION 1. The register of probate and insolvency for the county of Middlesex shall be allowed, in addition to the amount now allowed by law, a sum not exceeding fifteen hundred dollars per annum, from and after the first day of April in the year one thousand eight hundred and eighty-five, for clerical assistance actually performed, to be paid from the treasury of the Commonwealth upon the official certificate of the judge of probate and insolvency for said county.

Clerical assist-  
ance.

SECTION 2. This act shall take effect upon its passage.

*Approved June 8, 1885.*

*Chap.305*

## AN ACT CONCERNING OBSCENE PUBLICATIONS.

*Be it enacted, etc., as follows:*

Penalty for  
furnishing ob-  
scene publica-  
tions to minors.

Whoever sells, lends, gives away or has in his possession with intent to sell or distribute, or otherwise offers for loan, gift, sale or distribution to any minor child any book, pamphlet, magazine, newspaper or other printed paper devoted to the publication or principally made up of criminal news, police reports, or accounts of criminal deeds, or pictures and stories of lust or crime, or exhibits upon any street or highway or in any other place within the view or which may be within the view of any minor child, or in any manner hires or employs any minor child to sell or give away, or in any way to distribute, or who having the custody or control of any minor child permits such child to sell, give away or in any other way to distribute any such book, pamphlet, magazine, newspaper or printed paper, shall be punished by imprisonment in the jail not exceeding two years or by fine not exceeding one thousand dollars nor less than one hundred dollars.

*Approved June 8, 1885.**Chap.306*

## AN ACT MAKING AN ADDITIONAL APPROPRIATION FOR THE MASSACHUSETTS REFORMATORY AT CONCORD.

*Be it enacted, etc., as follows:*

Appropriation.

The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified herein, to wit: — For current expenses at the Massachusetts Reformatory at Concord, a sum not exceeding ten thousand dollars, being in addition to the fifty-four thousand dollars appropriated by chapter thirteen of the acts of the present year.

*Approved June 8, 1885.**Chap.307*

## AN ACT IN RELATION TO VACANCIES IN BOARDS OF HEALTH.

*Be it enacted, etc., as follows:*

Vacancies in  
boards of  
health.

SECTION 1. If a person elected a member of a board of health in any town, respecting which no provision is made by special law for choosing a board of health, after being duly notified of his election in the manner in which town officers are required to be notified, refuses or neglects to accept said office, or if a member of a board of health in such town declines further service, or from change of residence or otherwise becomes unable to attend to the duties of the board, the remaining members shall, in writ-

ing, give notice of the fact to the selectmen of such town, and the two boards shall thereupon, after giving public notice of at least one week, jointly proceed to fill such vacancy.

SECTION 2. This act shall apply to vacancies now existing in boards of health elected before the passage of this act, and shall take effect upon its passage.

To apply to those now existing.

*Approved June 8, 1885.*

AN ACT TO ALLOW INSURANCE COMPANIES TO MAKE ADDITIONAL INVESTMENTS OF THEIR CAPITAL STOCK. *Chap.308*

*Be it enacted, etc., as follows:*

SECTION 1. In addition to the investments now allowed by law, the capital stock of insurance companies may be invested in any of the securities in which savings banks may invest their deposits.

Investments by insurance companies.

SECTION 2. This act shall take effect upon its passage.

*Approved June 8, 1885.*

AN ACT AUTHORIZING CITIES AND TOWNS TO LICENSE GROVES TO BE USED FOR PICNICS AND OTHER LAWFUL AMUSEMENTS. *Chap.309*

*Be it enacted, etc., as follows:*

SECTION 1. The mayor and aldermen of any city except Boston, and in Boston the police commissioners, and the selectmen of any town, may grant a license to any person to establish, let, keep open and maintain a grove to be used for picnics or other lawful gatherings and amusements, for hire, gain or reward, upon such conditions and regulations as they deem proper, subject to the provisions of sections one hundred and twenty-four, one hundred and twenty-six and one hundred and twenty-seven of chapter one hundred and two of the Public Statutes.

May license groves for picnics, etc.

SECTION 2. Whoever without such license shall establish, let, keep open or maintain by himself or another, a grove to be used for picnics or other amusements, for hire, gain or reward, shall be punished by a fine not exceeding one hundred dollars.

Penalty for establishing groves without license.

SECTION 3. Any marshal or his deputy, sheriff or his deputy, constable, police officer or watchman, may at any time enter into a grove or any building therein for the purpose of enforcing any law of the state; and whoever obstructs or hinders the entrance of such officer shall be punished by a fine of not less than five dollars nor more than ten.

Police officers, etc., may enter groves.

Subject to acceptance by cities and towns.

SECTION 4. This act shall take effect in any town upon its acceptance by a majority vote at a town meeting duly warned for the purpose, and in any city upon its acceptance by the board of aldermen thereof.

*Approved June 9, 1885.*

### Chap.310

AN ACT RELATING TO CHANGE OF BUSINESS BY CORPORATIONS.

*Be it enacted, etc., as follows :*

Change of business by corporations.

The provisions of section fifty-one of chapter one hundred six of the Public Statutes shall apply to and include all corporations mentioned in the third section of said chapter and those which have complied with the provisions of the fourth section thereof.

*Approved June 9, 1885.*

### Chap.311

AN ACT TO INCORPORATE THE WILLIAMSTOWN WATER COMPANY.

*Be it enacted, etc., as follows :*

Williamstown Water Company, incorporated.

SECTION 1. Albert C. Houghton, James M. Waterman, Calvin B. Cook, William B. Clark, Sidney S. Edwards and their associates and successors, are hereby made a corporation by the name of the Williamstown Water Company, for the purpose of furnishing the inhabitants of the town of Williamstown with water for the extinguishment of fires, and for domestic and other purposes; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

May take water of springs and brooks in Williamstown.

SECTION 2. The said corporation, for the purposes aforesaid, may take, by purchase or otherwise, and hold the water of any springs or brooks in the town of Williamstown and the water rights connected with any such water sources and any water procured from any other source under the authority of this act; and also all lands, rights of way and easements, necessary for holding and preserving such water and for conveying the same to any part of said town; and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures; and may make excavations, procure and operate machinery and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads or public or private ways and along any such ways in such

May construct and lay down conduits, etc.

manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

SECTION 3. The said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded, in the registry of deeds for the county and district within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

Description of land, etc., taken to be recorded in registry of deeds.

SECTION 4. The said corporation shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement or by any other thing done by said corporation under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

Liability for damages.

SECTION 5. The said corporation may distribute the water through said town of Williamstown, may regulate the use of said water, and fix and collect rates to be paid for the use of the same; and may make such contracts with the said town or with any fire district that is or may hereafter be established therein, or with any individual or corporation, to supply water for the extinguish-

May fix and collect water rates.

ing of fire or for other purposes, as may be agreed upon by said town or such fire district, individual or corporation, and said corporation.

Real estate and capital stock.

SECTION 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount fifty thousand dollars; and the whole capital stock of said corporation shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each.

Penalty for corrupting or diverting water.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Bonds not to exceed amount of capital stock.

SECTION 8. The said corporation may issue bonds, bearing interest at a rate not exceeding six per cent. per annum, and secure the same by a mortgage on its franchise and other property to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

Town may purchase franchise and property.

SECTION 9. The said town of Williamstown shall have the right at any time to purchase of said corporation its franchise, corporate property, and all its rights, powers and privileges, at a price which may be mutually agreed upon, and may have a like right to purchase their interest from the mortgagees after foreclosure of any mortgage authorized by section eight of this act; and said corporation is authorized to make sale of the same to said town. If said corporation or said mortgagees, as the case may be, and said town, are unable to agree, then the compensation to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court upon application of said town, and notice to the other party, whose award, when accepted by said court, shall be binding upon all parties. If said corporation shall have issued bonds under the provisions of section eight and the mortgage shall not have been foreclosed, and the compensation to be paid shall be determined by commis-

sioners as aforesaid, such commissioners shall find the value of such franchise, corporate property, rights, powers and privileges, as if the same were unencumbered, and the mortgagees shall be entitled to be heard before such commissioners as to such value; and if the value so found shall exceed the amount of such mortgage debt, said town shall acquire such franchise, property, rights, powers and privileges by paying said corporation such excess, and shall assume said mortgage debt as part of the water loan authorized by section ten; but if the value so found should be less than the amount of such mortgage debt, then said town shall acquire such franchise, property, rights, powers and privileges of said corporation, and also the interest of said mortgagees, by paying said mortgagees the amount of the value so found, and such mortgage shall thereby be discharged; and said town shall thereupon hold and possess such franchise and all said corporate property, rights, powers and privileges unencumbered and discharged from any trust. The right to purchase as aforesaid is granted on condition that the same be authorized by a two-thirds vote of the voters of said town present and voting thereon at a meeting called for that purpose.

Mortgagees may be heard.

Subject to a two-thirds vote.

SECTION 10. The said town may, for the purpose of paying the cost of said franchise and corporate property, and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time, bonds, notes or scrip, to an amount not exceeding in the aggregate one hundred thousand dollars; such bonds, notes and scrip shall bear on their face the words "Williamstown Water Loan"; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually, at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town, and countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said town shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund

Williamstown Water Loan, not to exceed \$100,000.

To establish sinking fund.

shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

May make annual proportionate payments instead of establishing sinking fund.

SECTION 11. The said town, instead of establishing a sinking fund, may, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall, without further vote, be assessed by the assessors of said town in each year thereafter, until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

Return required to state amount of fund, etc.

SECTION 12. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whether action has been taken in accordance with the provisions of the preceding section, and the amounts raised and applied thereunder for the current year.

To raise by taxation sufficient for current expenses and interest.

SECTION 13. The said town shall raise annually by taxation a sum which with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works, and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Board of water commissioners.

SECTION 14. The said town shall, after its purchase of said franchise and corporate property, as provided in this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town by this act, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote; the said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said

commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

Vacancies in board.

SECTION 15. The county commissioners for the county within which any land, water or water rights taken under this act is situated, shall, upon application of the owner thereof, require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but previous to requiring such security the county commissioners shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking, and the county commissioners shall in like manner require further security, if at any time the security before required appears to them to have become insufficient; and all the right or authority of said corporation to enter upon or use such land or other property, except for making surveys, shall be suspended until it gives the security so required.

Security may be required for payment of costs and damages.

SECTION 16. This act shall take effect upon its passage, but shall become void unless work under this act is commenced within three years from the date of its passage.

Work to commence within three years.

*Approved June 10, 1885.*

AN ACT TO LIMIT MUNICIPAL DEBT OF AND THE RATE OF TAXATION  
IN CITIES.

*Chap. 312*

*Be it enacted, etc., as follows:*

SECTION 1. The taxes assessed on property in any city, except the city of Boston, exclusive of state tax, county tax and sums required by law to be raised on account of the city debt, shall not exceed in any year twelve dollars on every one thousand dollars of the average of the assessors' valuations of the taxable property therein for the preceding three years, the valuation for each year being first reduced by the amount of all abatements allowed thereon previous to the thirty-first day of December in the year preceding said assessment, and any order or appropriation requiring a larger assessment than is herein limited shall be void.

Limit of rate of taxation in cities, except Boston.

SECTION 2. The limit of indebtedness of cities shall hereafter be two and one-half per cent. on the average

Limit of indebtedness.

valuation prescribed in section one of this act, instead of three per cent. on the last preceding valuation as provided in section four of chapter twenty-nine of the Public Statutes. The cities of Worcester, Lynn, Gloucester and Brockton are exempted from the operation of sections one and two until the first day of January in the year one thousand eight hundred and eighty-nine.

Some items in appropriations, etc., may be approved and others disapproved, by the mayor.

SECTION 3. When an ordinance, order, resolution or vote of a city council, or of either branch thereof, involving the appropriation or expenditure of money, or the raising of a tax, and including several items or sums, is presented to the mayor of a city for his approval, he may approve some of the items or sums, and disapprove others; and in case of such disapproval the portion of the ordinance, order, resolution or vote so approved shall be in force, in like manner as if the items or sums disapproved had never been a part thereof; and the mayor shall return a statement of the items or sums disapproved, with his objections in writing, to that branch of the city council in which the ordinance, order, resolution or vote originated. The items or sums so disapproved shall not be in force unless passed by the city council, or by that branch thereof by which the ordinance, order, resolution or vote was passed, if passed by one branch only, in the manner provided in section six, chapter twenty-eight of the Public Statutes.

Temporary loans.

SECTION 4. Section six of chapter twenty-nine of the Public Statutes is amended by striking out the words "and of the year next ensuing" in the third line, so as to read as follows: — *Section 6.* Cities and towns may, by ordinary vote, incur debts for temporary loans in anticipation of the taxes of the year in which such debts are incurred and expressly made payable therefrom by vote of the city or town.

Injunctions, etc., may be issued against city council, etc.

SECTION 5. A court or justice having equity jurisdiction, sitting in any county, shall, upon the application of the mayor, or of ten taxable inhabitants of any city, at all times, whether in term time or vacation, have power to issue injunctions, mandatory or otherwise, decrees or other process, against the city council or otherwise, which such court or justice may think needful to enforce the provisions of this act, or to prevent the violation thereof.

To take effect Jan. 1, 1886.

SECTION 6. This act except as herein before provided shall take effect on the first day of January in the year eighteen hundred and eighty-six. *Approved June 11, 1885.*

AN ACT TO ESTABLISH A BOARD OF REGISTRATION IN PHARMACY. *Chap. 313*  
*Be it enacted, etc., as follows :*

SECTION 1. The governor of the Commonwealth with the advice and consent of the council shall appoint, after the passage of this act, five skilled pharmacists, resident in the Commonwealth, who have had ten consecutive years of practical experience in the compounding and dispensing of physicians' prescriptions, who shall constitute a board of registration in pharmacy. Such persons shall be appointed and hold office, beginning on the first day of October next, one for one year, one for two years, one for three years, one for four years and one for five years, or until their successors shall be appointed ; and the governor shall appoint annually thereafter before the first day of October in each year one skilled pharmacist, qualified as aforesaid, to hold office for five years from the first day of October next ensuing. Not more than one member of said board shall be interested in the sale of drugs, medicines and chemicals and the compounding and dispensing of physicians' prescriptions in the same city or town. All vacancies occurring in said board shall be filled in accordance with the provisions of this act for the establishment of the original board. Any member of said board may be removed from office for cause by the governor with the advice and consent of the council.

Board of registration in pharmacy to be appointed by the governor.

Vacancies.

Removals.

SECTION 2. The members of said board shall meet on the first Tuesday of October next at such time and place as they may determine, and shall immediately proceed to organize by electing a president and secretary who shall be members of the board and who shall hold their respective offices for the term of one year. The secretary shall give to the treasurer and receiver-general of the Commonwealth a bond with sufficient sureties, to be approved by the governor and council, for the faithful discharge of the duties of his office. The said board shall hold three regular meetings in each year, one on the first Tuesday of January, one on the first Tuesday of May, and one on the first Tuesday of October, and such additional meetings at such times and places as they may determine.

President and secretary.

Secretary to give bond.

Meetings of board.

SECTION 3. It shall be the duty of said board, immediately upon its organization, to notify all persons and firms engaged in the business of retailing or dispensing drugs, medicines, chemicals or poisons on their own account in this Commonwealth, of the provisions of this

Retail dealers in drugs, etc., to be notified.

Registration  
after three years  
of practical ex-  
perience.

act; and any such person or firm so engaged, or any other person who has had three consecutive years of practical experience in the aforesaid business, shall, upon application and the payment of a fee of fifty cents to said board, be registered as a pharmacist, and shall receive a certificate thereof signed by the president and secretary of said board.

Registration  
upon examina-  
tion.

SECTION 4. Any person not entitled to registration as aforesaid shall, upon payment of a fee of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist, and shall receive the certificate thereof provided for in section three. Any person may be re-examined at any regular meeting of the board upon the payment of a fee of three dollars. All fees received by the board under this act shall be paid by the secretary of the board into the treasury of the Commonwealth once in each month.

Compensation  
and expenses.

SECTION 5. The compensation, incidental and travelling expenses of the board shall be paid from the treasury of the Commonwealth. The compensation of the board shall be five dollars each for every day actually spent in the discharge of their duties, and three cents per mile each way for necessary travelling expenses in attending the meetings of the board, but in no case shall any more be paid than was actually expended. Such compensation and the incidental and travelling expenses shall be approved by the board and sent to the auditor of the Commonwealth who shall certify to the governor and council the amounts due as in case of all other bills and accounts approved by him under the provisions of law: *provided*, that the amount so paid shall not exceed the amount received by the treasurer and receiver-general of the Commonwealth from the board in fees as herein specified, and so much of said receipts as may be necessary is hereby appropriated for the compensation and expenses of the board as aforesaid.

Proviso.

Record to be  
kept.

SECTION 6. The board shall keep a record of the names of all persons registered hereunder, and a record of all moneys received and disbursed by said board, a duplicate whereof shall always be open to inspection in the office of the secretary of the Commonwealth. Said board shall annually report to the governor, on or before the first day of January in each year, the condition of pharmacy in the state, which report shall contain a full

Annual report  
to the governor.

and complete record of all its official acts during the year, and shall also contain a statement of the receipts and disbursements of the board.

SECTION 7. It shall be the duty of the board to investigate all complaints of disregard, non-compliance or violation of the provisions of this act, and to bring all such cases to the notice of the proper prosecuting officers.

Complaints to be investigated.

SECTION 8. Every person who has received a certificate of registration from the board shall conspicuously display the same in his place of business.

Certificate to be conspicuously displayed.

SECTION 9. Whoever not being registered as aforesaid shall, by himself or his agent or servant, unless such agent or servant is so registered, retail, compound for sale or dispense for medicinal purposes, drugs, medicines, chemicals or poisons, shall be punished by a fine not exceeding fifty dollars. But nothing in this act shall be construed to prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist.

Penalty.

Employment of apprentices.

SECTION 10. This act shall not apply to physicians putting up their own prescriptions or dispensing medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent and proprietary medicines; nor to the sale of non-poisonous domestic remedies usually sold by grocers or others; nor shall any member of a copartnership be liable to the penalties hereof if any other member of such copartnership is a registered pharmacist: *provided*, that such non-registered member shall not retail, compound for sale or dispense for medicinal purposes, drugs, medicines, chemicals or poisons except under the personal supervision of a registered pharmacist.

Not to apply to physicians putting up their own prescriptions.

Proviso.

SECTION 11. For the purposes of the appointment of said board and of registration of persons by them hereunder this act shall take effect upon its passage, and shall take full effect on the first day of January in the year eighteen hundred and eighty-six.

When to take effect.

*Approved June 11, 1885.*

#### AN ACT TO ESTABLISH A BOARD OF GAS COMMISSIONERS.

*Chap. 31*

*Be it enacted, etc., as follows:*

SECTION 1. The governor by and with the consent of the council shall appoint three citizens of this Commonwealth, who shall constitute a board of gas commissioners, and the governor shall designate the chairman thereof.

Board of gas commissioners to be appointed by the governor.

Clerk to be appointed by the governor.

Said board shall have a clerk, to be appointed by the governor with the consent of the council, who shall keep a full and faithful record of its proceedings, and shall serve such notices and perform such other duties as the commissioners may require, and shall be sworn before entering upon the discharge of his duties.

Terms of office.

SECTION 2. One of said commissioners shall be appointed for one year, one for two years and one for three years from the first day of July, eighteen hundred and eighty-five; and annually thereafter the governor shall appoint as herein before provided one commissioner to serve for three years from the first day of July in the year of his appointment and until his successor is appointed and qualified. If a vacancy occurs by resignation or otherwise the governor shall in like manner appoint a commissioner for the residue of the term, and may, with the consent of the council, remove any commissioner for cause after notice and hearing.

Not to be interested in sale, etc., of gas.

SECTION 3. Said commissioners shall be sworn to the faithful performance of the duties of their respective offices before entering upon the discharge of the same; shall not be in the employ of or own any stock in any gas company, or be in any way directly or indirectly interested pecuniarily in the manufacture or sale of gas, or any article or commodity used by gas companies, or used for any purpose connected with the manufacture and sale of gas.

Salaries.

SECTION 4. The annual salary of the chairman of the board shall be three thousand dollars, and that of the other commissioners two thousand five hundred dollars each, to be paid monthly from the treasury of the Commonwealth. The commissioners shall be provided with an office in the state house or in some other suitable place in the city of Boston, in which their records shall be kept.

Incidental expenses.

SECTION 5. The board may expend a sum not exceeding one thousand dollars annually in procuring necessary books, statistics and stationery and in defraying expenses incidental and necessary to the discharge of their duties; and a sum not exceeding two thousand dollars annually in defraying the compensation and expenses of their clerk, payable monthly from the treasury of the Commonwealth.

Annual expenses to be assessed upon gas companies.

SECTION 6. The annual expenses of the commissioners and clerk, including salaries, shall be borne by the several gas companies in proportion to their gross earnings, and shall be assessed and recovered in the manner provided

for the assessment and recovery of the expenses of the railroad commissioners.

SECTION 7. Every gas company shall annually make a return to said board in a form and at a time prescribed by said board, setting forth the amount of its authorized capital, its indebtedness and financial condition on the first day of January preceding, and a statement of its income and expenses during the preceding year, together with its dividends paid or declared, and a list containing the names of all its salaried officers, and the amount of the annual salary paid to each; and said return shall be signed and sworn to by the president and treasurer of said company and a majority of its directors. Every such company shall also at all times on request furnish any statement of information required by the board concerning the condition, management and operations of the company, and shall comply with all lawful orders of said board.

Gas companies to make annual sworn returns.

SECTION 8. Said board shall have the general supervision of all corporations engaged in the manufacture and sale of gas for lighting and for fuel, and shall make all necessary examinations and inquiries and keep themselves informed as to the compliance of the several corporations with the provisions of law.

Board to have general supervision of corporations making and selling gas, etc.

SECTION 9. Upon the complaint in writing of the mayor of a city or the selectmen of a town in which a gas company is located, or of twenty customers of such company, either of the quality or price of the gas sold and delivered by such company, the board shall notify the company of such complaint by leaving at their office a copy thereof, and shall thereupon after notice give a public hearing to such petitioner and such company, and after said hearing may order if they deem just and proper any reduction in the price of gas or improvement in quality thereof, and they shall pass such orders and take such action as are necessary thereto, and a report of the proceedings and the result thereof shall be included in their annual report to the legislature.

To investigate complaints relative to quality of gas.

SECTION 10. In any city or town in which a gas company exists in active operation, no other gas company, nor any other persons, shall dig up and open the streets, lanes and highways of such city or town, for the purpose of laying gas pipes therein, without the consent of the mayor and aldermen or selectmen of such city or town, after a public hearing before said mayor and aldermen or

A second gas company not to dig up streets without permission, etc.

selectmen and notice to all parties interested by publication or otherwise.

Purity of gas.

SECTION 11. The board shall from time to time ascertain with what degree of purity the gas companies can reasonably be required to make and supply gas; and if any change in the existing laws requiring purity in gas shall be in their opinion desirable or expedient, they shall so report to the legislature in their next report.

If company neglects to comply with orders, etc., attorney-general to be notified.

SECTION 12. The board, whenever any such company violates or neglects in any respect to comply with the provisions of any law, or refuses or neglects to comply with any lawful order of the board, shall give notice thereof in writing to such corporation, and to the attorney-general who shall take such proceedings thereon as he may deem expedient.

Provisions, etc., may be enforced by process in equity.

SECTION 13. Any court having jurisdiction in equity, in term time or vacation, may, on the application of said board, by any suitable process or decree in equity, enforce the provisions of this act and the lawful orders of said board.

Annual report to the legislature.

SECTION 14. The board shall make an annual report of its doings to the legislature in January, with such suggestions as to the condition of affairs or conduct of the gas companies as may be deemed appropriate.

Gas inspectors to render assistance, etc.

SECTION 15. Nothing in this act shall affect the office of gas inspector as constituted by chapter sixty-one of the Public Statutes, excepting that said inspector shall whenever requested by the board give to them such information and assistance as they may require consistent with the duties of his office.

Gas companies aggrieved may appeal to board.

SECTION 16. Any gas company which, or any person who, is aggrieved by the decision of the mayor and aldermen or selectmen of a city or town under the provisions of the tenth section of this act may appeal therefrom to said board within thirty days from the notice of said decision, and said board shall thereupon give due notice and hear all the parties in interest and its decision thereupon shall be final.

SECTION 17. This act shall take effect upon its passage.

*Approved June 11, 1885.*

## AN ACT TO ESTABLISH REGULATIONS FOR GLOUCESTER HARBOR.

Chap. 315

*Be it enacted, etc., as follows:*

SECTION 1. The mayor and aldermen of the city of Gloucester may annually appoint a harbor master for the harbor of said city, who shall hold said office for one year and until his successor is appointed. Before entering on said office he shall give a bond to said city for the prompt and faithful discharge of his duties, in a penal sum of five hundred dollars, with sureties to the satisfaction of said mayor and aldermen. He may appoint a deputy whenever the mayor and aldermen deem it necessary, such appointment to be subject to their approval. He and his said deputy shall have the powers and duties, and shall enforce the regulations and penalties, set forth in the last twelve sections of chapter sixty-nine of the Public Statutes, and in this act, and in any other laws which are or may be in force applicable to said office and to said harbor. He shall be paid out of the treasury of said city such compensation as the city council shall from time to time determine.

Harbor master to be appointed.

To give bond.

May appoint a deputy.

SECTION 2. From Ten Pound Island to Five Pound Island, a sufficient passageway of not less than two hundred feet in width on the northerly side of said harbor, leaving Babson's Ledge buoy on the port hand going in, and a passageway of not less than one hundred and fifty feet in width from any wharf in Upper Cove, Smith's Cove and Harbor Cove in said harbor, shall be at all times kept open for the passage of vessels; and no vessel shall be anchored or allowed to lie at anchor in said passageways or in the track of the ferry boats regularly running in said harbor.

Certain passageway to be kept open.

SECTION 3. At least one man shall at all times be kept on board each vessel at anchor in said harbor; and a clear and distinct light shall be kept suspended not less than six feet above the deck of every such vessel during the night.

A man to be on board each vessel; light, etc.

SECTION 4. For each violation of the provisions of this act, the owners or master of the vessel concerned, as well as the person or persons directly offending, shall be liable to a penalty of twenty dollars, to be recovered by complaint or indictment to the use of said city; and shall also be liable in an action of tort to any person suffering damage by reason of such violation.

Penalty.

Repeal of 1853,  
365.

SECTION 5. Chapter three hundred and sixty-five of the acts of the year eighteen hundred and fifty-three, entitled "An Act relating to the Harbor of Gloucester," and chapter one hundred and forty three of the acts of the year eighteen hundred and sixty-nine, being an act to amend said last named act, are hereby repealed; but such repeal shall not affect the tenure of office of the present harbor master of said city, who shall have the same powers and duties as if appointed under this act.

SECTION 6. This act shall take effect upon its passage.

*Approved June 11, 1885.*

**Chap. 316** AN ACT TO PUNISH PERSONS MAKING DISCRIMINATION IN PUBLIC PLACES ON ACCOUNT OF RACE OR COLOR.

*Be it enacted, etc., as follows:*

Discrimination  
in public places  
on account of  
race or color.  
Penalty.

SECTION 1. Whoever makes any distinction, discrimination or restriction on account of color or race, or except for good cause in respect to the admission of any person to, or his treatment in, any theatre, skating rink or other public place of amusement, whether such theatre, skating rink or place be licensed or not, and whether it be required to be licensed or not, or public conveyance, public meeting or inn, whether licensed or not licensed, shall be punished by fine not exceeding one hundred dollars.

Repeal.

SECTION 2. Section sixty-nine of chapter two hundred and seven of the Public Statutes is hereby repealed: *provided*, that nothing herein contained shall in any way affect any case or process, civil or criminal, now pending, or affect the liability of any person for any act committed before this act takes effect.

*Approved June 11, 1885.*

**Chap. 317** AN ACT MAKING AN ADDITIONAL APPROPRIATION FOR THE EXPENSES OF LEGISLATIVE COMMITTEES OF THE PRESENT LEGISLATURE.

*Be it enacted, etc., as follows:*

Appropriation.

SECTION 1. The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, to meet expenses of sundry legislative committees of the present legislature, to wit: —

Expenses of  
committees.

For authorized expenses of committees of the present legislature, to include clerical assistance and stenographers to committees authorized to employ the same, a sum not exceeding six thousand five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved June 11, 1885.*

AN ACT TO ESTABLISH THE SALARY OF THE JUDGE OF PROBATE  
AND INSOLVENCY FOR THE COUNTY OF DUKES COUNTY. *Chap.318*

*Be it enacted, etc., as follows:*

SECTION 1. The judge of probate and insolvency for the county of Dukes County shall receive an annual salary of six hundred dollars. Salary established.

SECTION 2. This act shall take effect upon its passage.

*Approved June 11, 1885.*

AN ACT TO PROVIDE PAPER FOR THE SUPERINTENDENT OF THE  
MASSACHUSETTS REFORMATORY FOR CERTAIN PRINTING FOR DE-  
PARTMENTS OF THE STATE GOVERNMENT. *Chap.319*

*Be it enacted, etc., as follows:*

SECTION 1. The secretary of the Commonwealth is hereby authorized to furnish to the superintendent of the Massachusetts reformatory, from the paper purchased by him in accordance with the provisions of chapter fifty-six of the resolves of the year eighteen hundred and eighty-two, such paper as may be needed by said superintendent for filling any orders which may be received by him from any department of the state government for such printing as is not included in the contract with the state printers. Paper for printing to be furnished to Massachusetts reformatory.

SECTION 2. This act shall take effect upon its passage.

*Approved June 11, 1885.*

AN ACT TO PROVIDE FOR THE REMOVAL OF INSANE PRISONERS  
FROM THE MASSACHUSETTS REFORMATORY. *Chap.320*

*Be it enacted, etc., as follows:*

SECTION 1. When any prisoner confined in the Massachusetts reformatory appears to be insane, the superintendent shall notify one of the persons designated in accordance with the provisions of section ten of chapter two hundred and twenty-two of the Public Statutes, who shall, with the physician of said reformatory, examine said prisoner and report to the governor the result of their investigation. If upon such report the governor deems the prisoner insane and his removal expedient, he shall issue his warrant directed to the superintendent authorizing him to cause the prisoner to be removed to one of the state lunatic hospitals, there to be kept until, in the judgment of the superintendent and trustees of the hospi- Removal of insane prisoners from the Massachusetts reformatory.

Return to  
reformatory.

tal to which he may be committed, he should be returned to the reformatory. When the superintendent and trustees of the hospital have come to such judgment, the fact shall be certified upon the warrant of the governor, and notice shall be given to the superintendent of said reformatory, who shall thereupon cause the prisoner to be reconveyed to the reformatory, there to remain pursuant to the original sentence, computing the time of his detention or confinement in the hospital as part of the term of his imprisonment.

Order of removal may be executed by officer authorized to serve criminal process.

SECTION 2. Any officer authorized to serve criminal process may execute an order for the removal of a prisoner to or from said reformatory under the provisions of the preceding section. The person making such examination of a prisoner under the preceding section shall, if he is not a salaried officer of the state board of health, lunacy and charity, receive for his services his actual travelling expenses and three dollars a day for each day so employed, which shall be paid from the annual appropriation of the reformatory.

SECTION 3. This act shall take effect upon its passage.

*Approved June 11, 1885.*

### Chap.321

AN ACT TO PERMIT A CLERK OF THE SUPERIOR COURT AND OF THE MUNICIPAL COURT OF THE CITY OF BOSTON TO IMPRINT A FAC-SIMILE OF HIS SIGNATURE UPON PROCESSES ISSUED BY HIM.

*Be it enacted, etc., as follows:*

May imprint  
fac-simile of  
signature.

SECTION 1. A fac-simile of the signature of any clerk of the superior court, and of any clerk of the municipal court of the city of Boston, imprinted by him upon any writ, summons, orders of notice to appear and orders of attachment, except executions, shall have the same validity as his written signature.

SECTION 2. This act shall take effect upon its passage.

*Approved June 11, 1885.*

### Chap.322

AN ACT TO INCREASE THE CRIMINAL JURISDICTION OF DISTRICT AND POLICE COURTS.

*Be it enacted, etc., as follows:*

Jurisdiction extended to all crimes under degree of felony.

The original jurisdiction of all district and police courts in addition to the jurisdiction otherwise conferred, shall include all crimes under the degree of felony, except conspiracies and libels and cases where a prosecution by

indictment or information is required by law. The jurisdiction hereby conferred upon district and police courts shall, in the judicial district of each of said courts, be exclusive of the jurisdiction of any other district, police or municipal court or trial justice; but an offence committed on the boundary line of two of such districts, or within fifty rods of such line, may be alleged to have been committed and may be prosecuted and punished in either district. Each of said courts may impose the same penalties that may be imposed by the superior court in like cases.

Penalties.

*Approved June 11, 1885.*

AN ACT TO ESTABLISH A BOARD OF POLICE FOR THE CITY OF  
BOSTON.

*Chap. 323*

*Be it enacted, etc., as follows:—*

SECTION 1. The governor of the Commonwealth with the advice and consent of the council shall appoint from the two principal political parties three citizens of Boston who shall have been residents therein two years immediately preceding the date of their appointment, who shall constitute a board of police for said city, and who shall be sworn before entering upon the duties of their office. One member of said board shall be designated by the governor as chairman, and two shall constitute a quorum. Their terms of office shall be so arranged and designated at the time of appointment that the term of one member shall expire on the first Monday of May, eighteen hundred and eighty-eight, one on the first Monday of May, eighteen hundred and eighty-nine, and one on the first Monday of May, eighteen hundred and ninety. The full term of office, after these dates, shall be five years, and all vacancies occurring after the passage of this act shall be filled by the governor with the advice and consent of the council. The members of said board may be removed by the governor with the advice and consent of the council for such cause as he shall deem sufficient and shall express in the order of removal. The board of police shall appoint a clerk, who shall be sworn, who shall keep a record of all proceedings, issue all notices and attest all such papers and orders as said board shall direct, whose term of office shall be five years, but who may be removed by said board for such cause as it shall deem sufficient and shall express in its order of removal.

Board of police for city of Boston to be appointed by the governor.

Members of the board may be removed.

Clerk to keep record of proceedings.

Board to appoint and organize police.

SECTION 2. The board of police shall have authority to appoint and establish and organize the police of said city of Boston, and make all needful rules and regulations for its efficiency. All the powers now vested in the board of police commissioners in said city of Boston, by the statutes of the Commonwealth or by the ordinances, by-laws, rules and regulations of said city, except as otherwise hereby provided, are hereby conferred upon and vested in said board of police.

Members of police to continue in office.

SECTION 3. The members of the Boston police force in office when the said board of police are first appointed shall continue to hold their several offices until removed or placed on the retired list by the said board; and the present rules and regulations of the board of aldermen for the government of the police shall continue in force until otherwise ordered by said board of police. All police officers appointed by said board of police hereby created shall have and exercise within the limits of said city all the common law and statutory powers of constables, except the service of civil process, and shall have all the powers given to the police as watchmen by the statutes of the Commonwealth, the laws relating to said city or by any ordinances thereof.

Salaries of commissioners.

SECTION 4. The annual salary of the chairman of said board of police shall be four thousand five hundred dollars, that of the other members four thousand dollars, of the clerk two thousand five hundred dollars, which shall be paid monthly from the treasury of the city of Boston. Said officers shall not engage in any other business. The board of police with the approval of the governor and council shall be provided with such rooms as shall be convenient and suitable for the performance of its duties, the rent of which shall be paid by the city of Boston. The said city of Boston shall provide all such suitable accommodations for the police of said city as said board shall require, and all buildings and property used by said police shall be under the control of said board. All expense for the maintenance of buildings, the pay of the police and all incidental expenses incurred in the administration of the said police shall be paid by the city of Boston upon the requisition of said board.

Expenses to be paid by the city of Boston.

Number of patrolmen.

SECTION 5. Said board of police shall not appoint any larger number of patrolmen than the present police commissioners of said city are now authorized to appoint,

except as authorized by said city, nor shall the pay of the police be increased or diminished except by the concurrent action of said city and said board of police.

SECTION 6. In case of tumult, riot or violent disturbance of public order, the mayor of said city shall have, as the exigency in his judgment may require, the right to assume control for the time being of the police of said city; but before assuming such control he shall issue his proclamation to that effect, and it shall be the duty of the board of police to execute all orders promulgated by him for the suppression of such tumult and the restoration of such order.

Control of police may be assumed by mayor in case of riot, etc.

SECTION 7. The board of police shall make a detailed report of its doings quarterly to the mayor of said city, and annually to the governor of the Commonwealth, in the month of December. The records of said board of police shall at all times be open to the inspection of the governor of the Commonwealth, the mayor of said city or to such persons as may be designated by them.

To report to mayor, quarterly, and to the governor, annually.

SECT. 8. Nothing herein shall affect the enforcement of the provisions of chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-four, being an act to improve the civil service of the Commonwealth and the cities thereof, or of the rules made by the commissioners appointed thereunder.

Civil service rules not to be affected.

SECTION 9. This act shall take effect upon its passage.

*Approved June 12, 1885.*

AN ACT CONCERNING THE SALARY OF THE LATE MATTHEW J. McCafferty.

*Chap. 324*

*Be it enacted, etc., as follows:*

SECTION 1. The board of aldermen of the city of Boston acting as county commissioners are authorized to pay to the family of Matthew J. McCafferty, late an associate justice of the municipal court of the city of Boston, the balance of the salary as such justice for the year eighteen hundred and eighty-five to which he would have been entitled had he lived and continued to be such justice during the remainder of said year.

Salary for the remainder of the year may be paid to family.

SECTION 2. This act shall take effect upon its passage.

*Approved June 15, 1885.*

**Chap.325** AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF WORCESTER COUNTY TO CAUSE TO BE MADE COPIES OF CERTAIN RECORDS IN REGISTRIES OF DEEDS IN CERTAIN CASES.

*Be it enacted, etc., as follows :*

Copies of certain records may be made.

SECTION 1. The county commissioners of Worcester County may have made, under their direction, copies of records or parts of records recorded in one district and relating to titles to land in the other district, covering such period of time as they may deem necessary and expedient, not exceeding twenty years prior to August first, eighteen hundred and eighty-four, at an expense not exceeding thirty-five hundred dollars ; and such copies so made shall be deposited in the registry of deeds for the district to which such records relate, to be there kept by the respective registers of deeds as other books of record are kept by them.

Persons making copies to be sworn.

SECTION 2. The persons employed to make such copies shall be sworn to the faithful discharge of their duties, and shall certify the copies made by them as aforesaid. Their compensation shall be fixed by said commissioners, and shall be paid out of the county treasury.

Copies from the copies made, to be evidence, etc.

SECTION 3. Copies from the copies made, certified and deposited, as before provided, shall, when duly certified by the register of deeds in whose registry they are deposited, be admitted in evidence in the same manner as other copies from such registry.

SECTION 4. This act shall take effect upon its passage.

*Approved June 15, 1885.*

**Chap.326** AN ACT TO PREVENT THE CONSTRUCTION OF WOODEN FLUES FOR HEATING OR VENTILATING PURPOSES.

*Be it enacted, etc., as follows :*

Wooden flues, etc., not to be placed in certain public buildings.

SECTION 1. No wooden flue or air duct to be used for heating or ventilating purposes shall hereafter be placed in any building two or more stories in height, to be occupied wholly or in part as a church, school, hotel, theatre or other place of public assembly.

Penalty.

SECTION 2. Whoever violates the provisions of this act shall be punished by a fine not exceeding three hundred dollars.

*Approved June 15, 1885.*

AN ACT IN ADDITION TO AN ACT TO ESTABLISH AN AGRICULTURAL  
EXPERIMENT STATION. Chap.327

*Be it enacted, etc., as follows:*

SECTION 1. There shall be paid out of the treasury of the Commonwealth, to the treasurer of the board of control of the Massachusetts agricultural experiment station at Amherst, the sum of five thousand dollars annually in regular quarterly instalments, for the proper maintenance of said experiment station; the said sum to be in addition to the amount allowed for the same purpose by section six of chapter two hundred and twelve of the acts of the year eighteen hundred and eighty-two.

Allowance to  
Massachusetts  
agricultural  
experiment  
station.

SECTION 2. This act shall take effect upon its passage.

*Approved June 15, 1885.*

AN ACT TO AUTHORIZE THE CAMBRIDGEPORT PARISH, THE THIRD  
CONGREGATIONAL SOCIETY IN CAMBRIDGE AND THE LEE STREET  
CHURCH IN CAMBRIDGE, TO UNITE. Chap.328

*Be it enacted, etc., as follows:*

SECTION 1. The Cambridgeport Parish, the Third Congregational Society in Cambridge and the Lee Street Church in Cambridge are hereby authorized to unite with each other, upon such terms as may be mutually agreed upon by the vote of said corporations at meetings called for that purpose; and such votes so passed by said corporations respectively shall be effectual to unite said corporations within the intent and meaning of this act.

Corporations  
may unite, etc.

SECTION 2. The name of the united corporation authorized by this act shall be the Third Congregational Society in Cambridge, and said corporation shall have and enjoy all the franchises, powers, privileges, property and rights of every kind belonging to the Cambridgeport Parish, the Third Congregational Society in Cambridge, now so called, and the Lee Street Church in Cambridge, or either of them, and shall assume and be subject to all the duties, debts and liabilities of said corporations, and shall be subject to all general laws which now are or hereafter may be in force relating to religious corporations.

Name to be the  
Third Congre-  
gational Society  
in Cambridge.

SECTION 3. The first meeting of the corporation hereby authorized to be established may be called by the chairmen of the standing committees of said existing corporations, or by any two of them, and notice shall be given of the time and place of said meeting by posting up a copy

First meeting of  
corporation.

of said call upon the principal outer door of the meeting house of each of said existing corporations seven days at least before the day of said meeting; and a certificate, signed and sworn to by the major part of said chairmen and recorded by the clerk of said united corporation upon its book of records, that such notice was given shall be evidence thereof.

Books and records to be property of united corporation.

Evidence of establishment of corporation.

SECTION 4. The books of records, and other books and papers of said existing corporations shall be and remain the property and under the control of said united corporation; and a certified copy of the vote of each of said existing corporations agreeing to the union authorized by this act, sworn to by its clerk and recorded in the registry of deeds for the southern district of Middlesex County shall be evidence of the establishment of said united corporation.

SECTION 5. This act shall take effect upon its passage.

*Approved June 15, 1885.*

### Chap. 329

#### AN ACT IN RELATION TO THE CENTRAL MASSACHUSETTS RAILROAD COMPANY.

*Be it enacted, etc., as follows:*

Trustees of Massachusetts Central Railroad with assent of Central Massachusetts Railroad may contract with connecting railroad to perform certain transportation.

Contracting corporations to pay operating expenses.

SECTION 1. Samuel N. Aldrich, Thomas H. Perkins and Henry Woods, purchasers and holders in trust of the franchise, railroad and other property of the Massachusetts Central Railroad Company, pursuant to chapter sixty-four of the acts of the year eighteen hundred and eighty-three, they and their successors in said trust are hereby authorized, with the assent of the directors of the Central Massachusetts Railroad Company, to contract with any railroad corporation whose railroad connects with, intersects or crosses the railroad of said Central Massachusetts Railroad Company, that such corporation shall perform all the transportation of persons and freight upon and over that portion of said railroad between North Cambridge and either Jefferson's, so called, in the town of Holden, or some point in the town of Barre, as may be found expedient: *provided, however*, that the corporation so contracting to operate the same shall agree to bear all operating expenses of every description, including taxes, and to pay the interest charges upon such sum of money as may be required to satisfy claims for land taken or bought for said portion of said railroad, including taxes in arrears, and to put the same in good running order;

*and provided, further,* that said contract shall reserve to said trustees and their successors, and to said directors, the right to terminate the same at the expiration of a period not exceeding six months from the service upon the other contracting party of a notice in writing of their intent so to terminate the same. Proviso.

SECTION 2. If a contract shall be made as authorized in the preceding section, said trustees and their successors may cause the portion of said railroad covered by said contract to be put in good running order, and may cause all claims and liabilities on account of land taken or bought for the same, including taxes in arrears, to be satisfied and discharged; and they may raise money for those purposes by issuing certificates of indebtedness to such an amount as said directors shall approve, but in no event to exceed the sum of two hundred thousand dollars. Said certificates shall be of the denomination of one thousand dollars each, and shall be dated at such time or times, and be payable at such period or periods, not less than two years nor more than five years from the date thereof, and shall bear interest at such rate or rates, and shall be issued upon such other terms and conditions as said trustees and their successors may determine. The money raised by the issue of said certificates shall be received by said trustees and their successors, and shall be by them applied to the purposes herein before specified, and to no other. Said certificates shall be a first lien upon that portion of said railroad which may be operated under the provisions of this act; and in case of any default in the payment of the interest due upon the same, or of the principal, or of any part thereof, it shall be the duty of said trustees and their successors to sell said portion of said railroad, or so much thereof as may be necessary, with all the franchise and privileges thereto belonging, and to apply the proceeds to the satisfaction of the indebtedness so due and unpaid. But no such sale shall be made unless default in the payment of such principal or interest shall continue for three months, nor until notice of such intended sale shall have been published three times a week, for three successive weeks preceding such sale, in two newspapers published in the city of Boston. Railroad to be put in good running order.

Certificates of indebtedness.

To be lien upon portion of road.

SECTION 3. In the event that said trustees or any of them shall die, resign, or from any cause fail or be unable to fulfil the duties imposed upon them by this act, or by Vacancy in trustees.

chapter sixty-four of the acts of the year eighteen hundred and eighty-three, a successor or successors may be chosen by the directors of said company. In all cases the acts of any two of them or their successors shall have the same force and validity as the acts of all.

Mortgage bonds of Central Massachusetts Railroad may be used, etc.

SECTION 4. The mortgage bonds which the Central Massachusetts Railroad Company is authorized to issue, under chapter sixty-four of the acts of the year eighteen hundred and eighty-three, may be used so far as necessary to pay the certificates of indebtedness authorized by this act, and to discharge and remove any other liabilities or incumbrances necessary to be removed in order to confirm the title of the trustee or trustees of the mortgage securing said bonds.

Time for construction extended.

SECTION 5. The time within which the Central Massachusetts Railroad Company may locate and construct its railroad is hereby extended to the first day of May, in the year eighteen hundred and eighty-nine; and all acts and parts of acts conferring franchises, rights, powers and immunities upon said company are hereby continued in force.

Trustees to make annual report to railroad commissioners.

SECTION 6. Said trustees and their successors shall make and transmit to the board of railroad commissioners, on or before the first day of September next, a report of their doings as such trustees, from the inception of their trust to that date; said report shall specify their receipts, expenditures and claims as such trustees, and all other particulars respecting the trust property required by said board to be included in the annual returns of railroad corporations. Thereafter a similar report for each year ending on the thirtieth day of September shall be in like manner made and transmitted.

Powers of trustees to be exercised by Central Massachusetts upon conveyance of trust property.

SECTION 7. All the powers and authority given to said trustees and their successors by sections one and two of this act may, upon said trust property being conveyed to said Central Massachusetts Railroad Company, be exercised and enjoyed by said company.

When to take effect.

SECTION 8. Sections three, four, five and six of this act shall take effect upon its passage, and all the other provisions of this act shall take effect upon its acceptance, at a meeting to be called for the purpose, within six months from its passage, by a majority of the preferred stockholders of said Central Massachusetts Railroad Company present and voting at said meeting by stock vote.

*Approved June 15, 1885.*

AN ACT TO PROVIDE A BUILDING FOR THE STATE NORMAL ART SCHOOL. *Chap. 330**Be it enacted, etc., as follows:*

SECTION 1. Within thirty days after the passage of this act the harbor and land commissioners shall convey to the state board of education and its successors in trust for the Commonwealth the following described lot of land situated upon the Back Bay, so called, in the city of Boston, viz. :— Beginning at a point on the southerly line of Newbury Street and on the westerly line of Exeter Street, thence southerly and on the said westerly line of said Exeter Street one hundred and twelve feet to a passage way sixteen feet wide; thence westerly on the northerly line of said passage way one hundred and thirty-nine feet; thence northerly and parallel to the course first described one hundred and twelve feet to the southerly line of Newbury Street aforesaid; thence easterly on said southerly line of said Newbury Street one hundred and thirty-nine feet to the point of beginning; containing fifteen thousand five hundred and sixty-eight square feet of land. Also all that part of said passage way sixteen feet wide that lies northerly of its centre line and between the easterly and westerly lines of said premises extended, reference being had to the plan recorded with Suffolk deeds at the end of liber eight hundred and eighty-five: *provided*, that said land thus conveyed shall be subject to the provisions of section two of chapter forty-one of the Public Statutes and acts in amendment thereof.

Land in Boston to be conveyed to board of education, in trust, for the state normal art school.

Proviso.

SECTION 2. There shall be allowed and paid out of the treasury of the Commonwealth, to be expended under the direction of the board of education in the erection, upon the lot of land described in section one, of a suitable building for the use of the state normal art school, a sum not exceeding eighty-five thousand dollars: *provided*, that the plans for said building shall conform to the restrictions contained in the deeds heretofore given by the Commonwealth to private purchasers of land on Newbury Street and Exeter Street, and shall be approved by the governor and council.

Allowance for erection of a suitable building.

SECTION 3. So much of chapter two hundred and twenty-three of the acts of the year eighteen hundred and eighty, and of chapter one hundred and twenty-eight of the acts of the year eighteen hundred and eighty-three, as conflict herewith, are repealed.

Repeal.

SECTION 4. This act shall take effect upon its passage.

*Approved June 16, 1885.*

**Chap.331** AN ACT TO AUTHORIZE THE TOWN OF ACTON TO REFUND CERTAIN TAXES.

*Be it enacted, etc., as follows :*

Town may  
refund certain  
taxes.

SECTION 1. The treasurer of the town of Acton is authorized and directed to repay out of the treasury of said town to the taxpayers thereof the amounts paid by them respectively into the treasury of said town under the provisions of chapter ninety-three of the acts of the year eighteen hundred and eighty-two, entitled an act to authorize the town of Acton to pay certain bounties.

SECTION 2. This act shall take effect upon its passage.

*Approved June 16, 1885.*

**Chap.332** AN ACT REQUIRING PHYSIOLOGY AND HYGIENE TO BE TAUGHT IN THE PUBLIC SCHOOLS.

*Be it enacted, etc., as follows :*

Physiology and  
hygiene to be  
taught in the  
public schools.

SECTION 1. Physiology and hygiene, which, in both divisions of the subject, shall include special instruction as to the effects of alcoholic drinks, stimulants and narcotics on the human system, shall be taught as a regular branch of study to all pupils in all schools supported wholly or in part by public money, except special schools maintained solely for instruction in particular branches, such as drawing, mechanics, art, and like studies. All acts or parts of acts relating to the qualifications of teachers in the public schools shall apply to the branch of study prescribed in this act.

Penalties.

SECTION 2. All penalties now fixed for neglect to provide instruction in the branches of study now prescribed by law shall apply to the branch of study prescribed in section one.

To take effect  
Aug. 1, 1885.

SECTION 3. This act shall take effect on the first day of August in the year eighteen hundred and eighty-five.

*Approved June 16, 1885.*

**Chap.333** AN ACT TO AMEND THE CHARTER OF THE BELMONT SAVINGS BANK.

*Be it enacted, etc., as follows :*

Charter  
amended.

SECTION 1. Chapter fifty-five of the acts of the year one thousand eight hundred eighty-five, being the act to incorporate the Belmont Savings Bank, is hereby amended by striking out in section one, line one, the words "Josiah H. Kendall" and inserting in place thereof the words Josiah S. Kendall.

SECTION 2. This act shall take effect upon its passage.

*Approved June 18, 1885.*

AN ACT TO AUTHORIZE THE RAILROAD COMMISSIONERS TO FORBID OR REGULATE THE SOUNDING OF LOCOMOTIVE WHISTLES IN CERTAIN CASES.

*Chap. 334*

*Be it enacted, etc., as follows:*

SECTION 1. The board of railroad commissioners may by an order in writing, for good cause shown, on petition and after notice to any railroad company and a public hearing had thereon, forbid or regulate the sounding of whistles on the locomotives of such company at any specified grade crossing or crossings of the tracks of such company with any highway or public way within this Commonwealth. The railroad company in relation to which such order is made shall thereafter, until the same shall be modified or annulled by said railroad commissioners, conform in all respects to the terms of such order.

Sounding of whistles on locomotives may be regulated by railroad commissioners.

SECTION 2. This act shall take effect upon its passage.

*Approved June 18, 1885.*

AN ACT TO CONFIRM THE PROCEEDINGS OF THE TOWN MEETING OF THE TOWN OF CARLISLE.

*Chap. 335*

*Be it enacted, etc., as follows:*

SECTION 1. The proceedings of the town meeting of the town of Carlisle, held on the sixteenth day of March in the year eighteen hundred and eighty-five, in raising and appropriating two hundred dollars to dedicate a soldiers' monument in said town, are hereby ratified and confirmed.

Proceedings ratified.

SECTION 2. This act shall take effect upon its passage.

*Approved June 18, 1885.*

AN ACT TO AUTHORIZE THE TOWN OF MELROSE TO MAKE AN ADDITIONAL WATER LOAN.

*Chap. 336*

*Be it enacted, etc., as follows:*

SECTION 1. The town of Melrose, for the purposes mentioned in section three of chapter one hundred and sixty of the acts of the year eighteen hundred and seventy, may issue bonds, notes or scrip to an amount not exceeding thirty-seven thousand dollars in addition to the amounts heretofore authorized by law to be issued by said town for the same purposes: *provided*, that the whole amount of such bonds, notes or scrip issued by said town, together with those heretofore issued by said town for the same purposes, shall not in any event exceed the amount of one

Melrose Water Loan.

hundred and eighty-seven thousand dollars; such bonds, notes and scrip shall bear on their face the words "Melrose Water Loan, Act of 1885"; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually, at a rate not exceeding six per centum per annum, and shall be signed by the treasurer and be countersigned by the water commissioners of the town. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper.

Provisions of  
1870 160, to  
apply.

SECTION 2. The provisions of said chapter one hundred and sixty shall be applicable to this act except as herein otherwise provided.

SECTION 3. This act shall take effect upon its passage.

*Approved June 18, 1885.*

**Chap. 337** AN ACT RELATING TO THE RECORDS, FILES, PAPERS AND DOCUMENTS IN THE DEPARTMENT OF THE SECRETARY OF THE COMMONWEALTH.

*Be it enacted, etc., as follows:*

Preservation of  
documents in  
the department  
of the secretary  
of the Common-  
wealth.

SECTION 1. The secretary of the Commonwealth is instructed to proceed, in accordance with the recommendations of the commission appointed under the authority of chapter sixty of the resolves of the year eighteen hundred and eighty-four, to render the contents of the records, files and documents in the department of the secretary of the Commonwealth, down to those of the year eighteen hundred, more accessible for examination, inspection and reference, and to adopt such means for their better preservation as he may deem expedient.

Commission to  
serve without  
pay.

SECTION 2. Said commission is hereby continued, to serve without pay, and is authorized to advise the secretary as to the work provided for in section one; and in case of a vacancy in said commission the governor with the advice and consent of the council shall appoint a suitable person to fill the same.

Allowance for  
expenditures.

SECTION 3. There shall be allowed and paid out of the treasury of the Commonwealth each year, to be expended under the direction of the secretary of the Commonwealth, for the purposes specified in this act, a sum not exceeding five thousand dollars: *provided*, that for

the remainder of the current year not exceeding one-half that sum shall be appropriated or expended.

SECTION 4. This act shall take effect upon its passage.

*Approved June 18, 1885.*

AN ACT CONCERNING FREIGHT RATES ON THE RAILROADS IN MASSACHUSETTS OPERATED BY THE HOUSATONIC RAILROAD COMPANY.

*Chap. 338*

*Be it enacted, etc., as follows:*

SECTION 1. The board of railroad commissioners may, after due notice to the Housatonic Railroad Company, a corporation organized under the laws of Connecticut and operating in Massachusetts the railroads of the Berkshire Railroad Company, the Stockbridge and Pittsfield Railroad Company and the West Stockbridge Railroad Company, fix any or all rates for any freight transported on said roads, or any or either of them, between any points in Massachusetts. And the tariff so fixed shall be binding upon said Housatonic Railroad Company. And no higher rate or charge shall be received or demanded by said company for the transportation of any such freight.

Freight rates may be regulated by railroad commissioners.

SECTION 2. Said board may fix a maximum charge and rate for any freight received in Massachusetts by said Housatonic Railroad Company for transportation to and delivery at any other point or place, and for any freight received by said company at any point or place for transportation to and delivery at any place in Massachusetts. And such order shall be binding upon said company. And said Housatonic Railroad Company shall not receive or demand any greater sum for such transportation and delivery than the amount so fixed as a maximum.

Commissioners may fix a maximum charge for freight, etc.

SECTION 3. The board may at any time by order modify the rate or maximum fixed as above and such order shall have like effect as the original order.

Rate may be modified.

SECTION 4. The provisions of section one hundred and ninety-one of chapter one hundred and twelve of the Public Statutes shall apply to any violation of any provision of this act: *provided*, that nothing herein contained shall be so construed as to release or affect any further liability, penalty or forfeiture which may have been incurred by the violation of any provision hereof.

Provisions of P. S. 112, § 191, to apply.

Proviso.

SECTION 5. This act shall take effect upon its passage.

*Approved June 18, 1885.*

**Chap. 339** AN ACT CONCERNING HOSPITAL TREATMENT FOR CERTAIN PERSONS  
SUBJECT TO DIPSO MANIA OR HABITUAL DRUNKENNESS.

*Be it enacted, etc., as follows:*

Habitual drunk-  
ards may be  
sent to insane  
hospitals for  
treatment.

SECTION 1. Whoever is given to or subject to dipsomania, or habitual drunkenness, whether in public or in private, may be committed to one of the state lunatic hospitals: *provided, however*, that no such person shall be so committed until satisfactory evidence is furnished to the judge before whom the proceedings for commitment are had that such person is not of bad repute or of bad character, apart from his habits of inebriety.

Laws governing  
commitments  
of insane per-  
sons to hospitals  
to apply.

SECTION 2. The provisions of chapter eighty-seven of the Public Statutes, and of acts amendatory to such chapter, relative to the commitment of an insane person to a lunatic hospital, shall be applicable to, and shall govern the commitment of, any person under this act, except that in all proceedings relative to the commitment of any such person it shall be specifically alleged that he is subject to dipsomania, instead of alleging that he is insane.

Laws relative to  
persons com-  
mitted to apply.

SECTION 3. All the laws relative to persons committed to lunatic hospitals on the ground of insanity shall apply to persons committed thereto under the provisions of this act: *provided*, that no person so committed shall be discharged therefrom unless it appears probable that he will not continue to be subject to dipsomania or habitual drunkenness, or that his confinement therein is not longer necessary for the safety of the public or for his own welfare.

SECTION 4. This act shall take effect upon its passage.

*Approved June 18, 1885.*

**Chap. 340** AN ACT TO AUTHORIZE THE TOWN OF PITTSFIELD TO ISSUE SECURITIES TO RENEW ITS WATER LOAN.

*Be it enacted, etc., as follows:*

Pittsfield Water  
Loan.

SECTION 1. The town of Pittsfield, for the purpose of renewing and paying certain water bonds issued on account of the fire district in said town, to the amount of one hundred thousand dollars, that is to say, fifty thousand dollars in bonds maturing and becoming payable in the year eighteen hundred and eighty-five; fifteen thousand dollars in bonds maturing and becoming payable in the year eighteen hundred and eighty-seven; and thirty thousand dollars in bonds maturing and becoming payable

in the year eighteen hundred and eighty-eight; and five thousand dollars in bonds maturing and becoming payable in the year eighteen hundred and eighty-nine; issued under the authority of chapter two hundred and ten of the acts of the year eighteen hundred and fifty-two, and of chapter two hundred and one of the acts of the year eighteen hundred and sixty-six, and of chapter three hundred and fifty-five of the acts of the year eighteen hundred and sixty-nine, and of chapter forty-four of the acts of the year eighteen hundred and seventy-five; may issue bonds, notes or scrip, to an amount not exceeding in the aggregate one hundred thousand dollars; such bonds, notes or scrip shall bear on the face thereof the words "Pittsfield Water Loan, Act of 1885"; shall be payable at the expiration of periods not exceeding thirty years from date of issue, may be issued at different times, or all at once, shall bear interest payable semi-annually at the rate of not exceeding six per centum per annum, and shall be signed by the treasurer and countersigned by a majority of the board of selectmen of the town: *provided*, that the fire district in said Pittsfield may, if it shall so determine, issue its own bonds, notes or scrip in manner above set out, in lieu of the town bonds. The fire district bonds, notes or scrip, if issued, shall be signed by the treasurer thereof and countersigned by a majority of the prudential committee and also by a majority of the water commissioners of said fire district, and shall also bear on their face the words "Pittsfield Fire District Water Loan, Act of 1885."

SECTION 2. The said town or the said fire district, as the case may be, may sell such securities from time to time for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold or pledged at less than the par value thereof, and the said town may loan said bonds on such terms as may be agreed, to said fire district.

May sell securities.

Proviso.

SECTION 3. The said town or the said fire district, as the case may be, shall pay upon account of the principal sum of its debt incurred for the construction and maintenance of water works, not less than the sum of five thousand dollars in each and every year for the five years next after the first day of April, eighteen hundred and eighty-six; then not less than the sum of eight thousand

Payments on account of its debt, regulated.

dollars in each and every year thereafter during a second period of five years; and thenceforward, after the expiration of said two periods of five years each, not less than the sum of ten thousand dollars in each and every year until all of said debt, both principal and interest, is fully paid and extinguished.

In case of payment by town, amount may be assessed upon fire district.

SECTION 4. And in case the town of Pittsfield be called upon to pay either the principal or interest of any of the debt incurred under this act for said fire district, then said town of Pittsfield is fully authorized hereby to assess in the next succeeding year by its board of assessors, and to collect upon the polls and estate, real and personal property legally taxable in said fire district, all taxes necessary to pay all such sums and interest which the said town has been called upon to pay, and to apply the same in payment thereof.

If district fails to pay expenses and interest, amounts may be assessed.

SECTION 5. And in case said fire district does not pay from its excess of income from water rates over its expenses, or from taxation, the sums required to be paid yearly by section third of this act, then the assessors of the said town are required and hereby authorized to assess and collect as required by section four of this act all that portion of the debt for construction not paid which should have been paid by said fire district in the year prior to such assessment and collection, and to apply the same accordingly in payment thereof.

Subject to two-thirds vote of town and district.

SECTION 6. The town of Pittsfield shall issue no bonds, notes or scrip under this act unless the issuing of the same is authorized by a two-thirds vote of the voters of said town present and voting thereon at any legal town meeting called for the purpose; and said fire district shall issue no bonds, notes or scrip under this act unless the issuing of the same is authorized by a two-thirds vote of the voters of said fire district present and voting thereon at a legal fire district meeting called for the purpose.

SECTION 7. This act shall take effect upon its passage.

*Approved June 18, 1885.*

## Chap. 341

### AN ACT RELATING TO WRECKS AND SHIPWRECKED GOODS

*Be it enacted, etc., as follows:*

Commissioners may be appointed.

SECTION 1. The governor with the advice and consent of the council may appoint in any county one or more commissioners of wrecks and shipwrecked goods, who shall be removable at the pleasure of the governor and

council. No person shall receive a commission or exercise the office of commissioner until he has given to the treasurer of the Commonwealth a bond, with two sureties to be approved by the governor and council, in the penal sum of three thousand dollars for the faithful performance of the duties of his office. Every person having a claim against such commissioner for a breach or neglect of his official duty may have a remedy therefor by a suit on his bond to be prosecuted in the name of the treasurer of the Commonwealth.

To give bond  
with sureties.

SECTION 2. When a surety on the bond of such commissioner desires to be relieved from liability thereon he shall give a written notice of such desire to such commissioner and to the governor and council. The notice to such commissioner shall be served by an officer authorized to serve civil process who shall forward forthwith a certified copy of the notice with his return thereon to the governor and council; and at the end of thirty days from the time of such service the liability of such surety for the subsequent acts of such commissioner shall cease. On the receipt of such notice by the governor and council they shall require a new bond to be given by such commissioner within said thirty days; and a failure so to furnish such bond shall render his commission void.

Relief of surety  
from liability on  
the bond.

SECTION 3. Every person now holding a commission as a commissioner of wrecks and shipwrecked goods shall be notified by the governor and council to furnish the bond required by section one of this act within three months from the time when this act takes effect; and the commission of any commissioner who fails to comply with such notice shall, at the expiration of said three months, be void. All shipwrecked goods or property heretofore received by commissioners and not sold and accounted for, and the proceeds of any such goods or property already sold, shall be disposed of under the provisions of this act within said period of three months.

Persons now  
holding commis-  
sions required  
to give bond.

SECTION 4. Every commissioner, on receiving information of a shipwreck, or of the finding of shipwrecked goods, or property of any kind, on any of the shores or waters within his county, or that have been brought within his county, shall, if the same are of the value of one hundred dollars or more, and may, if the same are of the value of less than one hundred dollars, immediately repair to the place where such property or goods are, and if the

Charge of ship-  
wrecked  
property.

same are not in the custody of an owner or agent shall, if the same are of the value of one hundred dollars or more, and may, if the same are of the value of less than one hundred dollars, take charge thereof and preserve and secure the same for the owner.

Perishable  
property may  
be sold.

Other property  
to be retained  
for one year.

Proviso.

Commissioner  
to render ac-  
count of sales to  
treasurer of the  
Common-  
wealth.

Treasurer may  
commence suit  
against commis-  
sioner upon  
failure to ac-  
count.

Repeal.

SECTION 5. When such property is of a perishable nature, or is damaged, or liable to be much reduced in value by keeping, or cannot be kept without great and disproportionate expense, and no owner or agent appears, it may be sold at public sale at the discretion of the commissioner in charge thereof. In all other cases such property or goods shall, if no owner, agent or other person interested therein appears to claim the same, be retained for the period of one year, when, if no such owner, agent or other person interested therein appears to claim the same, it shall be sold at public auction to the best advantage, after notice duly advertised in some public newspaper published within the county: *provided, however*, that so much of any of such property or goods as is necessary to raise the amount of the expenses incurred thereon may be sold at public auction, after notice as aforesaid, at the expiration of three months.

SECTION 6. Every commissioner who sells property or goods under the preceding section, if no owner, agent or other person interested therein establishes his claim thereto, shall within sixty days after such sale render to the treasurer of the Commonwealth a sworn detailed statement of the sales, with an account of all moneys paid by him for duties and the expenses incurred thereon; and shall pay to the treasurer the balance of such account, for the use of the Commonwealth.

SECTION 7. If a commissioner for the space of sixty days after the expiration of the time herein before limited for his accounting with the treasurer neglects to present the account provided for by the preceding section, and to pay and deliver the balance due thereon, the treasurer shall cause a suit to be commenced therefor for the use of the Commonwealth, and shall prosecute the same to final judgment and execution.

SECTION 8. Sections one, two, eleven, twelve and fourteen of chapter ninety-seven of the Public Statutes are hereby repealed.

*Approved June 18, 1885.*

AN ACT RELATING TO BUYING AND SELLING POOLS OR REGISTER-  
ING BETS. *Chap. 342**Be it enacted, etc., as follows:*

SECTION 1. Section eight of chapter ninety-nine of the Public Statutes is hereby amended so as to read as follows:—Whoever keeps a building or room, or any part of a building or room, or occupies any place with apparatus, books or any device, for the purpose of registering bets, or of buying or selling pools, upon the result of a trial or contest of skill, speed, or endurance of man, beast, bird, or machine, or upon the result of a game, competition, political nomination, appointment or election, or whoever is present in any such place engaged in any such business or employment; or being such keeper, occupant or person present as aforesaid registers such bets, or buys or sells such pools, or is concerned in buying or selling the same; or, being the owner, lessee or occupant of a building or room, or part thereof, or private grounds, knowingly permits the same to be used or occupied for any such purpose; or therein keeps, exhibits, uses or employs, or knowingly permits to be therein kept, exhibited, used or employed, any device or apparatus for registering such bets, or for buying or selling such pools, shall be punished by imprisonment not exceeding one year, or by fine not exceeding two thousand dollars, or by both such fine and imprisonment. And whoever becomes the custodian or depositary, for hire, reward, commission or compensation in any manner, of any pools, money, property, or thing of value, in any manner staked or bet upon any such result, shall be punished in like manner.

Penalty for  
buying and  
selling pools or  
registering bets.Penalty on  
custodian of  
pools, etc.

SECTION 2. Section two of chapter two hundred and twelve of the Public Statutes is hereby amended by adding thereto the following, viz.:—Eighth, To search for pool tickets or other materials unlawfully made, provided or procured for the purpose of buying or selling pools.

Search for pool  
tickets, etc.*Approved June 18, 1885.*AN ACT TO INCORPORATE THE SPRINGFIELD SAFE DEPOSIT AND  
TRUST COMPANY. *Chap. 343**Be it enacted, etc., as follows:*

SECTION 1. John G. Mackintosh, Charles E. Mackintosh, Andrew L. Fennessy, Samuel B. Spooner, Samuel Palmer, their associates and successors, are made a corporation by the name of the Springfield Safe Deposit and

Springfield Safe  
Deposit and  
Trust Com-  
pany, incorpo-  
rated.

Deposits.

Trust Company, to be located at Springfield, for the purpose of receiving on deposit, storage or otherwise, money in sums of one hundred dollars and upwards, government securities, stocks, bonds, coin, jewelry, plate, valuable papers and documents, evidences of debt and other property of every kind, and of collecting and disbursing the interest or income upon such of said property received on deposit as produces interest or income, and of collecting and disbursing the principal of such of said property as produces interest or income when it becomes due, upon terms to be prescribed by the corporation; and for the purpose of advancing money or credits on real and personal security, on terms that may be agreed upon; and all the powers and privileges necessary for the execution of this purpose are granted, subject nevertheless, to the duties, restrictions and liabilities set forth in the one hundred and fifth chapter of the Public Statutes, and in all the general laws which now are or hereafter may be in force relating to such corporations.

Powers and duties.

Amount of reserve to be had on hand.

SECTION 2. Such corporation shall at all times have on hand, as a reserve, in lawful money of the United States, an amount equal to at least fifteen per centum of the aggregate amount of all its deposits which are subject to withdrawal upon demand or within ten days; and whenever said reserve of such corporation shall be below such per centum of such deposits it shall not increase its liabilities by making any new loans, until the required proportion between the aggregate amount of such deposits and its reserve shall be restored: *provided*, that in lieu of lawful money, one-third of said fifteen per centum may consist of balances, payable on demand, due from any national bank doing business in this Commonwealth, and one other third of said fifteen per centum may consist of bonds of the United States or of this Commonwealth, the absolute property of such corporation.

Courts may order deposits to be made.

SECTION 3. Any court of law or of equity, including courts of probate and insolvency of this state, may by decree or otherwise direct any moneys or properties under its control, or that may be paid into court by parties to any legal proceedings, or which may be brought into court by reason of any order or judgment in equity or otherwise, to be deposited with said corporation, upon such terms and subject to such instructions as may be deemed expedient: *provided, however*, that said corpora-

Proviso.

tion shall not be required to assume or execute any trust without its own assent. Said corporation shall also have power to receive and hold moneys or property in trust or on deposit, from executors, administrators, assignees, guardians and trustees, upon such terms or conditions as may be obtained or agreed upon; *provided, also*, that all such moneys or property received under the provisions of this section shall be loaned on, or invested only in, the authorized loans of the United States, or of any of the New England states or cities, or counties or towns of this state, or stocks of state or national banks organized within this Commonwealth, or in the first mortgage bonds of any railroad company incorporated by any of the New England states which has earned and paid regular dividends on its stocks for two years next preceding such loan or investment, or in the bonds of any such railroad company unincumbered by mortgage, or in first mortgages on real estate in this Commonwealth, or in any securities in which savings banks are allowed to invest, or upon the notes with two sureties, of manufacturing corporations created under the laws of this state, or of individuals with a sufficient pledge as collateral of any of the aforesaid securities (but all real estate acquired by foreclosure of mortgages or by levy of execution, shall be sold at public auction within two years after such foreclosure or levy); *provided, also*, that all such money or property received, invested or loaned under this section shall be a special deposit in said corporation, and the accounts thereof shall be kept separate, and such funds and the investment or loans of them shall be specially appropriated to the security and payment of such deposits, and not be subject to the other liabilities of the corporation; and for the purpose of securing the observance of this proviso, said corporation shall have a trust department, in which all business authorized by this section, shall be kept separate and distinct from its general business.

Investments.

Money invested or loaned under this section, to be a special deposit.

SECTION 4. The total liabilities to this corporation of any person, firm or corporation, other than cities or towns, for money borrowed, including in the liabilities of a company or firm the liabilities of its several members, shall, at no time exceed one-fifth part of such amount of the capital stock of this corporation as is actually paid up.

Limit of liability.

To make semi-annual return to commissioners of savings banks.

SECTION 5. Said corporation shall semi-annually make a return to the commissioners of savings banks in this Commonwealth on or before the second Mondays of May and November, which shall be signed and sworn to by a majority of its board of directors; and said return shall specify the following, namely: capital stock; amount of all moneys and property in detail in the possession or charge of said company as deposits; amount of deposits payable on demand or within ten days; trust funds or for purposes of investment; number of depositors; investments in authorized loans of the United States or any of the New England states or cities or counties or towns, stating amount in each; investments in bank stock, stating amount in each; investments in railroad stock, stating amount in each; investments in railroad bonds, stating amount in each; loans on notes of corporations, stating amount in each; loans on notes of individuals; loans on mortgage of real estate; cash on hand; — all as existing at the date of making of such return; with the rate, amount and date of dividends since last return. The commissioners of savings banks shall have access to the vaults, books and papers of the company, and it shall be their duty to inspect, examine and inquire into its affairs, and to take proceedings in regard to them in the same manner and to the same extent as if this corporation was a savings bank subject to all the general laws which are now or hereafter may be in force relating to such institutions in this regard. Abstracts of such returns, showing the resources and liabilities of said corporation, in a form to be approved by said commissioners, shall be published in a newspaper in the city of Springfield, at the expense of such corporation at such times and in such manner as may be directed by said commissioners.

Commissioners to have access to books, etc., and to examine into its affairs.

Subject to provisions of P. S. 13.

SECTION 6. Said corporation shall be subject to the provisions of chapter thirteen of the Public Statutes, and any acts now existing, or which may hereafter be passed in amendment or lieu thereof.

To make annual return to tax commissioner of personal property held in trust.

SECTION 7. Said corporation shall also annually, between the first and tenth days of May, return to the tax commissioner a true statement, attested by the oath of some officer of the corporation, of all personal property held upon any trust on the first day of May, which would be taxable if held by an individual trustee residing in this Commonwealth, and the name of every city or town in

this Commonwealth where any beneficiary resided on said day, and the aggregate amount of such property then held for all beneficiaries resident in each of such cities and towns, and also the aggregate amount held for beneficiaries not resident in this Commonwealth, under the pains and penalties provided in section fifty-four of chapter thirteen of the Public Statutes and acts in amendment thereof, for corporations failing to make the returns provided by said act. Said corporation shall annually pay to the treasurer of the Commonwealth a sum to be ascertained by assessment by the tax commissioner, upon an amount equal to the total value of such property, at the rate ascertained and determined by him, under section forty of chapter thirteen of the Public Statutes and acts in amendment thereof.

Payments into  
the treasury.

SECTION 8. Said corporation shall also annually between the first and tenth days of May, return to the tax commissioner a true statement, verified by the oath of some officer of the corporation, of the amount of all sums deposited with it on interest or for investment, other than those specified in the seventh and tenth sections of this act, together with the name of every city and town in this Commonwealth where any beneficial owner resided on said first day of May, and the aggregate amount of such deposits then held for the benefit of persons residing in each of such cities and towns, under like penalty. Said corporation shall annually pay to the treasurer of the Commonwealth a sum to be ascertained by assessment by the tax commissioner upon an amount equal to the total value of such deposits at three-fourths the rate ascertained and determined by him under section forty of chapter thirteen of the Public Statutes and acts in amendment thereof.

To make return  
of sums depos-  
ited on interest  
or for invest-  
ment.

Payments into  
the treasury.

SECTION 9. No taxes shall be assessed in any city or town for state, county or town purposes, upon or in respect of any such property held in trust, or any such amounts deposited on interest or for investment, but such proportion of the sum so paid by said corporation as corresponds to the amount of such property held for beneficiaries or payable to persons resident in this Commonwealth, shall be credited and paid to the several cities and towns where it appears from the returns or other evidence that such beneficiaries resided on the first day of May next preceding, according to the aggregate amount so held for

Taxes not to be  
assessed in any  
town, etc., upon  
such property  
held in trust.

beneficiaries and persons residing in such cities and towns respectively ; and in regard to such sums so to be assessed and paid as aforesaid, said corporation shall be subject to sections one, fifty-three, fifty-seven, fifty-eight and fifty-nine of chapter thirteen of the Public Statutes and acts in amendment or lieu thereof, so far as the same are applicable thereto.

Deposits with-  
drawable on  
demand to be  
deemed money  
in possession.

SECTION 10. Deposits with said corporation which can be withdrawn on demand shall for purposes of taxation be deemed money in possession of the person to whom the same is payable.

May act as agent  
for registering  
bonds, etc.

SECTION 11. The said corporation is also authorized to act as agent for the purpose of issuing, registering or countersigning the certificates of stock, bonds or other evidence of indebtedness of any corporation, association, municipality, state or public authority, on such terms as may be agreed upon.

Capital stock.

SECTION 12. The capital stock of said corporation shall be one hundred thousand dollars, with the privilege to increase the same from time to time to not exceeding five hundred thousand dollars, and the same shall be paid for at such time and in such manner as the board of directors shall decide : *provided*, that no business shall be transacted by the corporation until the whole amount is subscribed for and actually paid in, and no shares shall be issued until the par value of such shares shall have been actually paid in in cash.

Business not to  
commence until  
capital is paid  
in.

Real estate.

SECTION 13. Said corporation shall be entitled to purchase and hold for its own use real estate not exceeding in value twenty-five thousand dollars.

Liability of  
shareholders.

SECTION 14. The shareholders of said corporation shall be held individually liable, equally and ratably and not one for another, for all contracts, debts and engagements of such association, to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares. The provisions contained in chapter one hundred and six of the Public Statutes, sections sixty-two to seventy-one inclusive, shall apply to and regulate the enforcement of this liability.

SECTION 15. This act shall take effect upon its passage.

*Approved June 18, 1885.*

AN ACT IN RELATION TO THE CONSERVATION OF THE CONNECTICUT RIVER. *Chap. 344*

*Be it enacted, etc., as follows :*

SECTION 1. The board of harbor and land commissioners shall have the general care and supervision of the Connecticut River within the confines of this Commonwealth, and of the banks thereof, and of all structures therein, in order to prevent and remove unauthorized encroachments and causes of every kind which may in any way injure the said river, and in order to protect and develop the rights and property of the public therein. In order that they may ascertain and promote the best methods for the preservation and improvement of said river, and for the promotion of all interests connected therewith, as the public good may require, they may from time to time make such surveys, examinations and observations as they may deem necessary for the aforesaid purposes.

Harbor and land commissioners to have general care of the Connecticut River.

May make surveys, etc.

SECTION 2. All persons that are or may be authorized by the general court to build any structures in said river shall proceed in the manner provided in section eight of chapter nineteen of the Public Statutes, and shall be subject to the provisions of said chapter.

Building of structures.

SECTION 3. Said board may authorize and license any person to build and extend a wharf, pier or shore wall, below high water mark in said river, upon such terms as they shall prescribe ; and to every proceeding for a license under this chapter the provisions of sections ten, eleven and twelve of chapter nineteen of the Public Statutes shall apply.

Building and extending wharves, piers, etc.

SECTION 4. Nothing in such license or authority shall be so construed as to impair the legal rights of any person.

Legal rights not impaired.

SECTION 5. Said commissioners, as soon as funds shall be appropriated therefor, shall cause to be surveyed and plotted, on such scales as they shall determine, the whole of that portion of said Connecticut River which lies within this Commonwealth ; and the records and maps of the same shall be preserved in the office of said commissioners.

River to be surveyed and plotted.

SECTION 6. Said commissioners shall cause to be prepared, for each of the counties of Hampden, Hampshire and Franklin, a copy of the survey or map of the river within the confines of the respective counties ; which copies shall be attested by the commissioners. and de-

Copies of survey to be furnished to counties of Hampden, Hampshire and Franklin.

posited in the registry of deeds for the county to which it relates; and said map when so prepared, attested and deposited shall be deemed matter of public record, and the same or duly attested office copies of the same shall be competent evidence of the facts contained therein.

SECTION 7. This act shall take effect upon its passage.

*Approved June 18, 1885.*

## Chap. 345

### AN ACT IN RELATION TO NATURALIZATION.

*Be it enacted, etc., as follows:*

Naturalization of aliens by courts having common law jurisdiction, a seal and a clerk.

Proviso.

SECTION 1. The supreme judicial court, the superior court, district, police and municipal courts having common law jurisdiction, a seal and a clerk, may respectively have jurisdiction of primary declarations of intention of aliens to become citizens of the United States, and final applications for naturalization of aliens: *provided, however,* that no declaration or application shall be received by the supreme judicial court or superior court unless the applicant resides in the county within which the court is held, nor by any district, police or municipal court unless the applicant resides in the district for which the court is established.

Final action to be had on stated days or during regular terms.

SECTION 2. Final applications for naturalization in any court of the Commonwealth may be filed in the said courts in term time or vacation; but final action thereon shall be had only on stated days or during the regular terms of the court. Every application shall be entered upon the docket of the court and shall be filed at least fourteen days before final action thereon. Such application shall contain the name, age and occupation of the applicant, and the name of the street and number of the house in which he resides, and the names of the persons whom he intends to summon as witnesses at his final hearing, together with the number and street of the residences of such witnesses: *provided,* that in applications where the number and street as required aforesaid cannot be given, the place of residence shall be described with sufficient accuracy for identification.

Application to contain name, age, residence, etc., of applicant.

Applicant to notify city or town clerk at least fourteen days before final hearing.

SECTION 3. Every applicant for naturalization shall give notice of his application to the clerk of the city or town in which he resides at least fourteen days before final hearing on his petition, which notice shall also contain his full name, age, occupation and residence. It

shall be the duty of every such clerk to make a complete record of all such notices in a form convenient for public inspection, and to give to each applicant who has given such notice a certificate that the provisions of this section have been complied with, and said certificate shall be filed by the applicant in the court in which his petition is pending before final action is had thereon.

SECTION 4. The clerk of each city and town shall, within seven days from the receipt of the notice prescribed in the preceding section, post in at least two public places in such city or town the date of receipt of notice, the name of the applicant, his age, occupation, residence, and court in which his petition is pending, on lists with blank forms containing the following headings: —

Clerk to post name, etc., of applicant in two public places.

Date of Receipt of Notice.	NAME.	Age.	Occupation.	Residence.	Court in which Petition is Pending.

SECTION 5. A record of every application for naturalization and the action thereon, the names of the witnesses and their residences, shall be kept by the clerk of each court and a return made annually, on or before the first day of February of each year, to the secretary of the Commonwealth, of the name, age, occupation and residence of every person naturalized prior to the first day of the preceding January, the date of the naturalization, also, the names of the witnesses and their residences; and the returns so made shall be kept by the secretary and printed in form convenient for reference.

Clerk to keep record, and make annual return to the secretary of the Commonwealth.

Returns to be printed.

SECTION 6. The fees of clerks of all courts under the provisions of this act shall be as follows: For receiving the primary declaration or application for the naturalization of aliens, one dollar. For the final declaration or application for the naturalization of aliens, two dollars. For making out the papers for either of said declarations, one dollar. All fees received by clerks of all courts of the Commonwealth in naturalization cases shall be accounted for and paid over by said clerks semi-annually to

Fees of clerks of courts.

Fees to be paid over for benefit of county law libraries.

the treasurers of their respective counties, and such county treasurers shall pay the same to the treasurers of county law libraries; the same to be in addition to the sums which such associations are now entitled to receive by law. No primary or final certificate shall issue until the fees provided for in this act are first paid. The fee of clerks of cities and towns for the record, posting notice and certificate under the provisions of this act shall be fifty cents.

Fees of clerks of cities and towns.

Not to be registered as a voter within thirty days.

Penalty.

SECTION 7. No person hereafter naturalized in any court shall be entitled to be registered as a voter within thirty days of such naturalization.

SECTION 8. A clerk or other person who records or files such notice, application or declaration, or issues a certificate in violation of the provisions of this act, shall be punished by a fine of twenty-five dollars.

Repeal.

SECTION 9. Sections eight, ten and eleven of chapter one hundred and sixty of the Public Statutes are hereby repealed: *provided*, that such repeal shall not affect or apply to proceedings begun or applications pending in any court under the provisions of said sections.

Fees of officers attending court.

SECTION 10. The justices of a police, district or municipal court, when sitting for naturalization, may designate a certain number, not exceeding two, of the constables of the city or town, or deputies of the sheriff of the county within which the session is held, to attend the court, whose fees shall be the same as by law are provided for attending the superior court, and shall be approved and paid by the county like costs in criminal cases.

To take effect August 1, 1885.

SECTION 11. This act shall take effect upon the first day of August in the year eighteen hundred and eighty-five.

*Approved June 18, 1885.*

## Chap. 346 AN ACT TO AMEND THE CHARTER OF THE CITY OF LAWRENCE.

*Be it enacted, etc., as follows:*

City of Lawrence to be divided into wards not exceeding eight in number.

SECTION 1. The city of Lawrence may, in the year one thousand eight hundred and eighty-five, be divided by the city council into such number of wards, not exceeding eight, with such boundaries as the said city council may by resolution determine, but in accordance with the provisions of section fourteen of chapter twenty-eight of the Public Statutes and of chapter one hundred and twenty-five of the acts of the year eighteen hundred and eighty-four.

SECTION 2. Section two of chapter seventy of the acts of the year one thousand eight hundred and fifty-three is amended so as to read as follows:— *Section 2.* The administration of all the fiscal, prudential and municipal affairs of the said city, with the government thereof, shall be vested in one municipal officer, to be styled the mayor, one council of one from each ward, to be styled the board of aldermen, and one council of three from each ward, to be styled the common council; which boards in their joint capacity shall be denominated the city council, and the members thereof shall be sworn to the faithful performance of their respective duties. A majority of each board shall constitute a quorum for the transaction of business. And no member of either board shall be paid any compensation for his services.

Administration of fiscal, prudential and municipal affairs, — 1853, 70, § 2.

SECTION 3. Section five of said chapter seventy is amended so as to read as follows:— *Section 5.* The mayor and one alderman to be selected from each ward shall be elected by the qualified voters of the city at large, voting in their respective wards, and three common councilmen, and one person to be an overseer of the poor, and one person to be an assistant assessor, shall be elected by the qualified voters of each ward, and shall be residents of the wards wherein they are elected. All such officers shall be chosen by ballot and shall hold their offices for the term of one year from the first Monday in January following their election, and until others shall be elected and qualified in their places.

Mayor and aldermen, — 1853, 70, § 5.

SECTION 4. The city council of said city shall, in the year in which the division of the city into new wards is made, divide the city into three districts consisting of two or three wards, said districts to be numbered one, two and three. At the first annual municipal election after the new division into wards takes effect the qualified voters of each ward shall elect two persons from such ward who shall be residents thereof. The persons so elected from the wards in district numbered one, shall hold their office for a term of three years, the persons so elected from the wards in district numbered two, shall hold their office for a term of two years, and the persons so elected from the wards in district numbered three, shall hold their office for a term of one year from the first Monday in January following their election and until others are elected and qualified in their places. At each annual municipal elec-

School committee.

tion thereafter the qualified voters in each ward in the district, the term of office of whose representatives in the school committee expire in the following January, shall elect two persons who shall be residents in such ward, who shall hold their office for a term of three years from the first Monday in January following their election. The persons so chosen shall together with the mayor of said city, who shall be *ex officio* chairman, and the president of the common council constitute the board of school committee of said city.

Tenure of office.

SECTION 5. The provisions of sections two and three of this act shall not affect the tenure of office of the persons now filling the offices mentioned therein.

SECTION 6. This act shall take effect upon its passage.

*Approved June 18, 1885.*

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**Chap.347** AN ACT TO CONFIRM THE PROCEEDINGS OF THE ANNUAL TOWN MEETING OF THE TOWN OF PALMER.

*Be it enacted, etc., as follows:*

Proceedings confirmed.

The proceedings of the annual town meeting of the town of Palmer, held on the sixteenth day of March in the year eighteen hundred and eighty-five and by adjournment on the thirtieth day of said March, shall not be invalid by reason of any defect in the warrant for said meeting; and no act or proceeding of said meeting shall be invalid in consequence of such defect.

*Approved June 18, 1885.*

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**Chap.348** AN ACT TO AUTHORIZE SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS TO INVEST IN THE BONDS AND NOTES OF THE FITCHBURG RAILROAD COMPANY.

*Be it enacted, etc., as follows:*

Savings banks may invest in bonds of Fitchburg Railroad.

SECTION 1. Savings banks and institutions for savings may invest in the bonds and notes of the Fitchburg Railroad Company issued according to law, notwithstanding the mortgages now existing upon the Boston, Barre and Gardner Railroad.

SECTION 2. This act shall take effect upon its passage.

*Approved June 18, 1885.*

AN ACT TO AUTHORIZE THE LAMSON AND GOODNOW MANUFACTURING COMPANY TO ISSUE PREFERRED STOCK. *Chap. 349*

*Be it enacted, etc., as follows:*

SECTION 1. The Lampson and Goodnow Manufacturing Company, which shall hereafter be called and known by the name of Lamson and Goodnow Manufacturing Company, is hereby authorized, in addition to its present capital stock, to issue preferred stock to such amounts as may from time to time be fixed by vote of said corporation, but not exceeding in all the sum of one hundred and twenty-five thousand dollars, in payment of its indebtedness, no share to be issued for a less amount of indebtedness than its par value; or said stock may be paid for, at not less than par, in cash, or in the manner provided for in section forty-eight or section forty-nine of chapter one hundred and six of the Public Statutes.

May issue preferred stock.

SECTION 2. Said preferred stock shall be issued at a par value of one hundred dollars, and its holders shall be entitled to all the privileges of other members of said corporation, including the right to vote upon such stock, in person or by proxy, at all corporate meetings; each vote upon a share thereof, to be counted as one-fifth of a vote upon a share of the corporate stock issued at a par value of five hundred dollars.

Preferred stock to be at par value of \$100. Holders of stock may vote, etc.

SECTION 3. The holders of said preferred stock shall be entitled to dividends upon the same annually, out of net profits, in preference and priority to the holders of any other stock of said corporation, to the amount of such rate per cent. thereon, not exceeding seven per cent., as may be determined by vote of said corporation prior to issue of the same, which rate per cent. of priority shall be expressed in the certificates of said preferred stock, and shall also share *pro rata* with the holders of the common stock in any excess divided in any year above a dividend on the whole stock at said rate per cent.; and dividends to the holders of such preferred stock, at the rate per cent. fixed upon, shall be paid for each year from the time of its issue, cumulatively, before any dividends shall be paid upon any other stock of said corporation, and, if so voted and expressed in the certificates, may be guaranteed by said corporation. The provisions of law relative to special stock, and to the liability of general stockholders when special stock is created shall not be held to apply in case of stock issued under this act.

Dividends.

Preferred stock-holders to be paid in full, in case of dissolution.

SECTION 4. In case of a dissolution or termination of said corporation the holders of preferred stock shall be entitled to payment of the same, in full, next after payment of the debts of the corporation and before any payments to the holders of stock not preferred.

Corporation having acquired real estate in Buckland, etc., may issue preferred stock.

SECTION 5. Any other corporation organized under the provisions of chapter one hundred and six of the Public Statutes to carry on the business for which said corporation was organized, having acquired the real estate of said corporation situate in Buckland, and employed for manufacturing purposes, may issue preferred stock on the same terms, restrictions and liabilities as are herein provided for the issue of such stock by the Lamson and Goodnow Manufacturing Company, to any amount herein authorized but not issued by said last named corporation, and, after sale of such real estate to such other corporation, the right of said Lamson and Goodnow Manufacturing Company to make any further issue of such stock shall cease and determine.

Liabilities and rights not impaired.

SECTION 6. Nothing in this act shall be held to take away any individual liability of any officer or member of said corporation for any debt or liability thereof, nor to impair any right or remedy of any present or future creditor of said corporation.

SECTION 7. This act shall take effect upon its passage.

*Approved June 18, 1885.*

*Chap.350* AN ACT TO DEFINE AND ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF MASHPEE AND FALMOUTH.

*Be it enacted, etc., as follows:*

Boundary line between Mashpee and Falmouth established.

The boundary line between the towns of Mashpee and Falmouth in and near Waquoit Bay is hereby defined and established as follows:—Beginning at a point on the present boundary line between said towns at the middle of the mouth of Red Brook, thence southerly bearing westerly across Hamlin's Pond to the middle of the northerly entrance of Seconsett Channel, thence southerly and westerly along the middle of said Seconsett Channel to a monument at the easterly side of an artificial causeway built across said Seconsett Channel between Meadow Neck and Seconsett, thence north fifty-five and three-quarters degrees west, two hundred and fifty-nine feet to another monument near the shore of Waquoit Bay, thence south thirty-eight degrees west in a straight line through

said bay to the middle of the outlet thereof, thence through said outlet to the line established by the board of harbor and land commissioners under chapter one hundred and ninety-six of the acts of the year eighteen hundred and eighty-one.

*Approved June 18, 1885.*

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT CONCERNING  
ELECTIONS IN TOWNS." *Chap.351*

*Be it enacted, etc., as follows:*

SECTION 1. Chapter five of the acts of the present year shall be construed to revive all acts and parts of acts relating to town meetings held for the election of town officers which were repealed by chapter two hundred and ninety-nine of the acts of the year eighteen hundred and eighty-four.

Certain acts revived.

SECTION 2. Whoever at any such election, knowing that he is not a qualified voter, wilfully votes for any officer then to be chosen shall be punished by a fine not exceeding one hundred dollars for each offence.

Penalty for illegal voting.

SECTION 3. No such town meeting heretofore or hereafter held, nor any of the acts and proceedings thereof, shall be deemed to be invalid by reason of non-compliance with any of the provisions of said chapter two hundred and ninety-nine.

Acts at town meetings made valid.

*Approved June 18, 1885.*

AN ACT IN RELATION TO THE INSPECTION AND SALE OF MILK AND  
BUTTER. *Chap.352*

*Be it enacted, etc., as follows:*

SECTION 1. Section seventeen of chapter fifty-six of the Public Statutes is hereby amended so as to read as follows:—Whoever, by himself or his agents, sells, exposes for sale, or has in his possession with intent to sell, any article, substance or compound, made in imitation or semblance of butter or as a substitute for butter and not made exclusively and wholly of milk or cream, or containing any fats, oils or grease not produced from milk or cream, shall have the words "imitation butter," or if such substitute is the compound known as "oleomargarine," then the word "oleomargarine," or if it is known as "butterine," then the word "butterine," stamped, labelled or marked in printed letters of plain uncondensed Gothic type, not less than one-half inch in length, so that said words cannot be easily defaced, upon the top

Sale of oleomargarine and imitation butter.

and side of every tub, firkin, box or package containing any of said article, substance or compound. And in cases of retail sales of any of said article, substance or compound, not in the original packages, the seller shall, by himself or his agents, attach to each package so sold, and shall deliver therewith to the purchaser, a label or wrapper bearing in a conspicuous place upon the outside of the package the words "imitation butter," "oleomargarine," or "butterine" as the article may be, in printed letters of plain uncondensed Gothic type, not less than one-half inch in length.

Amendment to  
P. S. 56, § 18.

SECTION 2. Section eighteen of chapter fifty-six of the Public Statutes is hereby amended by striking out the word "Roman" in the seventh and seventeenth lines and inserting in place thereof the words "uncondensed Gothic."

Amendment to  
P. S. 56, § 19.

SECTION 3. Section nineteen of chapter fifty-six of the Public Statutes is hereby amended by inserting after the word "of" and before the word "any" in the seventh line the words "or in any manner shall falsely label, stamp or mark."

Amendment to  
P. S. 57, § 2.

SECTION 4. Section two of chapter fifty-seven of the Public Statutes is amended so as to read as follows:— Such inspectors shall keep an office and shall record in books kept for the purpose the names and places of business of all persons engaged in the sale of milk within their city or town. Said inspectors or their assistants may enter all places where milk is stored or kept for sale, and all carriages used for the conveyance of milk, and the said inspectors or their assistants may take samples for analysis from all such places or carriages. The inspectors shall cause the samples of milk so taken to be analyzed or otherwise satisfactorily tested, the results of which analysis or test they shall record and preserve as evidence. The inspectors shall receive such compensation as the mayor and aldermen or selectmen may determine.

Powers of  
inspectors.

SECTION 5. Inspectors appointed under the provisions of chapter two hundred and sixty-three of the acts of the year eighteen hundred and eighty-two shall have the power and authority conferred upon a city or town inspector by the preceding section. They shall also have the power and authority conferred upon inspectors of milk by section twenty of chapter fifty-six of the Public Statutes.

SECTION 6. Section nine of chapter fifty-seven of the Public Statutes is hereby amended so as to read as follows:—In all prosecutions under this chapter, if the milk is shown upon analysis to contain more than eighty-seven per cent. of watery fluid, or to contain less than thirteen per cent. of milk solids, or to contain less than nine and three-tenths per cent. of milk solids exclusive of fat, it shall be deemed for the purposes of this chapter to be adulterated.

Analysis of milk.

SECTION 7. Section seven of chapter fifty-seven of the Public Statutes is hereby amended by inserting after the word “in” and before the word “letters” in the seventh line the words “uncondensed Gothic.”

Amendment to P. S. 57, §7.

SECTION 8. No person shall sell, exchange or deliver or have in his custody or possession with intent to sell, exchange or deliver skimmed milk containing less than nine and three-tenths per cent. of milk solids exclusive of fat. Whoever violates the provisions of this section shall be punished by the penalties provided in section five of chapter fifty-seven of the Public Statutes.

Penalties.

SECTION 9. This act shall take effect upon its passage.

*Approved June 18, 1885.*

AN ACT RELATING TO COMPOSITION WITH CREDITORS IN INSOLVENCY. *Chap. 353*  
*Be it enacted, etc., as follows:*

SECTION 1. Section five of chapter two hundred and thirty-six of the acts of the year eighteen hundred and eighty-four is amended to read as follows:—*Section 5.* The provisions of sections twenty-six to thirty-one inclusive, and of sections thirty-three to thirty-nine inclusive, of said chapter, concerning debts and proof of claims, shall apply to and be of force in composition proceedings so far as they can be applied thereto. But the proceedings shall not be stayed or suspended on account of an appeal from the allowance or rejection of a claim.

Composition with creditors in insolvency,—1884, 236, § 5.

SECTION 2. Section seven of said chapter two hundred and thirty-six is amended to read as follows:—*Section 7.* The hearing shall then be adjourned not less than seven days and notice thereof sent to all creditors as before provided, and if, at or before the day to which such or any subsequent adjournment is made, the debtor shall file in court the written assent to the proposal of a majority in number and value of his creditors who have proved their claims, if the same be for the payment of not

Amendment to 1884, 236, § 7.

less than fifty per centum to the general creditors, or if less than fifty per centum, of three-fourths in number and value of such creditors, the court shall proceed at the hearing, or at a further adjournment thereof, to determine whether the composition shall be confirmed, and any creditor may be heard thereon. Any matter which would prevent or avoid a discharge in insolvency by existing laws may be considered in ascertaining the expediency of confirming the same, but not as an absolute bar thereto. If the only objection thereto relates to the security for deferred payments, other or further security may then be offered. No claim entitled to priority shall be counted, nor shall any creditor whose claim is less than fifty dollars in amount be counted in number of creditors.

Repeal of 1884,  
236, §8.

SECTION 3. Section eight of said chapter two hundred and thirty-six is hereby repealed.

Compensation  
of register for  
giving notices.

SECTION 4. The register shall be allowed the same compensation for giving notices to creditors as is allowed to messengers by section one hundred and thirty-seven of chapter one hundred and fifty-seven of the Public Statutes, and for the custody and payment of the moneys, vouchers, securities and dividends, such sum as the court may deem just and reasonable but not exceeding one per centum thereof.

Moneys, etc.,  
deposited in  
court, after  
expiration of  
one year and  
notice to credit-  
ors, etc., may be  
paid over to  
depositor.

SECTION 5. After the expiration of one year from the deposit in court of the moneys, vouchers and securities, as provided for by section nine of said chapter two hundred and thirty-six, the court may, after notice, by mail post paid, to creditors who have not taken up their dividends, order all such moneys, vouchers and securities, then remaining on deposit in court, to be paid and transferred to the person who deposited the same.

Certain claims  
not discharged,  
etc.

SECTION 6. No debt or claim against a pledgee created by his sale of collateral securities in a manner not authorized by his contract with the pledger, or by the provisions of sections ten and eleven of chapter one hundred and ninety-two of the Public Statutes, shall be discharged under proceedings in insolvency, but the provisions of section eighty-four of chapter one hundred and fifty-seven of the Public Statutes shall apply thereto.

SECTION 7. This act shall take effect upon its passage.

*Approved June 18, 1885.*

AN ACT TO AUTHORIZE THE FORMATION OF MUTUAL FIRE INSURANCE COMPANIES WITH A SUBSCRIPTION FUND.

*Chap. 354*

*Be it enacted, etc., as follows:*

SECTION 1. Mutual fire insurance companies with a subscription fund may be formed in the manner prescribed by chapter one hundred and nineteen of the Public Statutes for the organization of insurance companies and shall be subject to the provisions of all general laws which now are or hereafter may be applicable to such companies not inconsistent herewith.

Mutual fire insurance companies with a subscription fund, may be formed.

SECTION 2. The original subscription fund shall be two hundred thousand dollars, which may be increased to an amount not exceeding one million dollars, upon approval by the insurance commissioner, in the manner provided by section sixty-two of chapter one hundred and nineteen of the Public Statutes, and shall be invested in the securities in which stock companies are required by law to invest their capital. Said fund shall be divided into shares of one hundred dollars each, transferable in the same manner as shares in capital stock, and no part thereof shall be applied to the payment of premiums for insurance. The shareholders shall be the members of the corporation, with the same powers, rights and obligations as belong and apply to stockholders in stock fire insurance companies. Such company shall issue no policy of insurance until the whole amount of the fund has been subscribed for and paid in cash, nor until the insurance commissioner shall certify the fact of such subscription and payment and that the company has complied with the laws and is entitled to transact business.

Original subscription to be \$200,000 and may be increased to \$1,000,000.

Shares \$100 each.

Shareholders to be members of corporation.

SECTION 3. The holders of shares in the subscription fund and policy holders in any such company shall be subject to the same provisions of law in voting at all meetings of the company as apply respectively to shareholders in stock companies and to policy holders in purely mutual companies.

Voting at meetings of the company.

SECTION 4. The subscription fund shall be liable for the payment of losses and other obligations of the company, but shall not be liable for the redemption of scrip certificates issued to policy holders. Whenever the fund shall be impaired to the amount of twenty-five per cent. the company shall make the fund good to the original amount, in the mode and subject to the provisions of sections fifty-nine, sixty and sixty-one of chapter one

Fund liable for losses, but not for redemption of scrip certificates.

hundred and nineteen of the Public Statutes relating to the impairment of the capital of stock insurance companies.

Premiums to be paid in cash.

SECTION 5. Premiums for insurance with said company shall be paid wholly in cash, and such premium shall constitute the entire liability of the insured.

Dividends not to exceed five per cent.

SECTION 6. The holders of shares in the subscription fund shall be entitled to a semi-annual dividend of not exceeding five per cent. if the income and net profits of the company, to be ascertained in the mode now prescribed by law, are sufficient to pay the same, and if any dividend be less than the maximum the deficiency may be made up from subsequent income and net profits.

Net profits after payment of dividends to be divided among the insured.

SECTION 7. The net profits of the company, after the payment of dividends to the shareholders, shall be divided annually among the insured whose policies terminated within the year, in proportion to the contribution of each to such profits. Such dividends shall be made only in scrip certificates, payable only out of the accumulation of net profits, which accumulation, together with the income thereof, shall constitute and be kept and invested by the company as a separate fund, in trust for the redemption of such scrip certificates, and the contingent payment of losses and expenses, as herein provided; and such certificates until redeemed shall be subject to future losses and expenses of the company, and to be reduced in case the losses and expenses in any subsequent year shall exceed the income of that year primarily applicable to their payment. No part of such redemption fund shall be used for the payment of losses and expenses, unless and only to the extent that the assets of the company, other than the subscription fund, shall be insufficient therefor; and whenever any portion thereof shall be used for such payment the outstanding certificates shall be reduced in proportion, so that the redemption fund at all times shall equal the amount of the unredeemed certificates. Whenever the principal of the redemption fund shall exceed the amount of the principal of the subscription fund the excess shall be applied annually to the redemption of the certificates in the order of their issue. The net income of the redemption fund shall be divided annually among the holders of its certificates.

Redemption of scrip certificates.

Division of income of redemption fund.

Limitation of risks.

SECTION 8. No company organized under this act shall hold on any one risk an amount exceeding one-tenth of its

subscription fund, nor shall take or have at risk in any town or fire insurance district of any city or town an amount exceeding its net assets, exclusive of its redemption fund, available for the payment of losses in Massachusetts.

SECTION 9. This act shall take effect upon its passage.

*Approved June 19, 1885.*

AN ACT TO SECURE A FAIR AND EQUAL VALUATION THROUGHOUT  
THE COMMONWEALTH OF PROPERTY SUBJECT TO TAXATION.

*Chap. 355*

*Be it enacted, etc., as follows:*

SECTION 1. Section one hundred and two of chapter twenty-seven of the Public Statutes is hereby amended so as to read as follows:—*Section 102.* Every assessor, assistant assessor, or other person chosen to assess taxes or determine or assist in determining the value of property for the purpose of taxation shall before entering upon the duties of his office take an oath which shall be in substance as follows:—I, having been chosen to assess taxes and estimate the value of property for the purpose of taxation for the town [or city] of , for the year, [or years] ensuing, do swear that I will truly and impartially, according to my best skill and judgment, assess and apportion all such taxes as I may during that time assess, that I will neither overvalue nor undervalue any property subject to taxation, and that I will faithfully discharge all the duties of said office.

Valuation of  
property subject  
to taxation.

Oath of an  
assessor.

SECTION 2. Every assessor, assistant assessor, or other person chosen to assess taxes or determine or assist in determining the value of property for the purpose of taxation, who having notice of his election neglects to take the oath prescribed by the preceding section before entering upon the duties of such office, shall be liable to the penalty provided in section one hundred and four of chapter twenty-seven of the Public Statutes.

Penalty for not  
taking pre-  
scribed oath.

SECTION 3. Every assessor of any city or town, or other person chosen to determine the valuation of property for the purpose of taxation who shall knowingly fix any such valuation of any property at a less sum than its full and fair cash value in order that the taxpayers of such city or town may escape payment of their just proportion of any state or county tax, or for any other fraudulent or corrupt purpose, or who shall knowingly fix the valuation of any such property at a higher sum than its full and fair

Penalty for  
making false  
valuation.

cash value for the purpose of evading or aiding in the evasion of any law which, at the time such valuation is made, is in force limiting municipal indebtedness, or the rate of taxation, to a percentage of valuation, or for any other fraudulent, corrupt, or malicious purpose, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment. *Approved June 19, 1885.*

**Chap.356** AN ACT TO AUTHORIZE TRIAL JUSTICES TO IMPOSE SENTENCES TO  
THE MASSACHUSETTS REFORMATORY.

*Be it enacted, etc., as follows :*

Trial justices  
may sentence to  
Mass. reformatory.

Trial justices shall have the same authority and jurisdiction to sentence male persons to the Massachusetts reformatory which district courts have to sentence such persons to said reformatory. *Approved June 19, 1885.*

**Chap.357** AN ACT TO CHANGE THE NAME OF THE UNITARIAN SOCIETY OF  
GRANTVILLE.

*Be it enacted, etc., as follows :*

Name changed.

SECTION 1. The name of the Unitarian Society of Grantville, organized January second in the year eighteen hundred and seventy-eight, is hereby changed to the Unitarian Society of Wellesley Hills.

SECTION 2. This act shall take effect upon its passage.

*Approved June 19, 1885.*

**Chap.358** AN ACT RELATING TO THE LIABILITY OF INNHOLDERS.

*Be it enacted, etc., as follows :*

Liability of  
innholders,—  
amendment to  
P. S. 102, §12.

Section twelve of chapter one hundred and two of the Public Statutes is hereby amended so as to read as follows :—No innholder shall be liable for losses sustained by a guest, except losses of wearing apparel, articles worn or carried on the person, personal baggage and money necessary for travelling expenses and personal use; nor shall any such guest recover of an innholder more than one thousand dollars as damages for any such loss or losses : *provided, however*, that an innholder shall be liable in damages to an amount not exceeding five thousand dollars for the loss of money, jewels and ornaments of a guest which have been specially deposited for safe keeping, or offered to be so deposited, with such innholder, person in charge at the office of the inn or

other agent of such innholder authorized to receive such deposit; *and provided, further*, that nothing herein contained shall affect the innholder's liability under the provisions of any special contract for other property deposited with him for safe keeping after being fully informed of its nature and value, nor increase his liability in case of loss by fire or overwhelming force beyond that specified in section fifteen of said chapter.

*Approved June 19, 1885.*

AN ACT RELATING TO THE DISPOSITION OF CASES FOR THE VIOLATION OF THE LAWS RELATING TO THE SALE OF INTOXICATING LIQUORS.

*Chap. 359*

*Be it enacted, etc., as follows:*

SECTION 1. No case in court for the violation of the provisions of chapter one hundred of the Public Statutes or of any other act now or hereafter in force relating to intoxicating liquors shall be placed on file or disposed of, except by trial and judgment according to the regular course of proceedings in criminal cases, unless in any case the purposes of justice require other disposition thereof; in which event a written motion in each such case shall be addressed to the court, judge or magistrate, setting forth specifically the reasons therefor, and shall be verified by affidavit where facts are relied on; and if the presiding judge or magistrate shall make a written certificate that he is satisfied that the cause relied on exists, and that the interests of public justice require the allowance thereof, such motion shall be allowed and the said certificate shall be filed in the case.

Cases in court for violation of liquor laws not to be placed on file, etc., unless by order of the court.

SECTION 2. This act shall take effect upon its passage.

*Approved June 19, 1885.*

AN ACT IN FURTHER ADDITION TO AN ACT FOR THE LAYING OUT OF PUBLIC PARKS IN OR NEAR THE CITY OF BOSTON.

*Chap. 360*

*Be it enacted, etc., as follows:*

SECTION 1. The board of park commissioners of the city of Boston, subject to the provisions of chapter nineteen of the Public Statutes excepting so much of section sixteen of said chapter as requires the payment into the treasury of compensation for the rights and privileges hereby granted in land of the Commonwealth, may make such excavation and filling, and erect and maintain such structures, in and over the area of tide water, at or near

Park commissioners of Boston may erect structures over tide water near Dorchester Point in South Boston.

Dorchester Point in South Boston, which lies south of the northerly line of East First Street extended easterly to Castle Island, and east of the westerly line of Q Street extended southerly into Old Harbor, as the said board may deem necessary or desirable for the purposes of a public park in accordance with the provisions of chapter one hundred and eighty-five of the acts of the year eighteen hundred and seventy-five.

Land to be used  
for a public  
park.

SECTION 2. All lands of the Commonwealth which are occupied or enclosed under the provisions of this act, shall be appropriated to and used solely for the purposes of a public park.

SECTION 3. This act shall take effect upon its passage.

*Approved June 19, 1885.*

**Chap.361** AN ACT RELATING TO THE SALARY OF THE MAYOR OF THE CITY OF BOSTON.

*Be it enacted, etc., as follows :*

Salary of mayor  
may be in-  
creased.

SECTION 1. Section eleven of chapter two hundred and sixty-six of the acts of the year eighteen hundred and eighty-five shall be held to authorize the city council of the city of Boston to increase the salary of the mayor of said city from the twenty-sixth day of June in the year eighteen hundred and eighty-five, anything contained in any other act to the contrary notwithstanding.

To take effect  
June 26, 1885.

SECTION 2. This act shall take effect on the twenty-sixth day of June in the year eighteen hundred and eighty-five.

*Approved June 19, 1885.*

**Chap.362** AN ACT TO EMPOWER THE BOSTON CHILDREN'S FRIEND SOCIETY TO BECOME THE GUARDIAN OF MINORS.

*Be it enacted, etc., as follows :*

May be ap-  
pointed guar-  
dian of minors  
by probate  
courts.

SECTION 1. The Boston Children's Friend Society, a corporation established under the provisions of chapter sixty-six of the acts of the year eighteen hundred and thirty-four, is hereby empowered to become the guardian of minors, under and in accordance with the general provisions of law applicable to the guardianship of minors ; and the probate courts in the several counties are hereby authorized to appoint the said Boston Children's Friend Society guardian of minors as aforesaid.

SECTION 2. The powers and duties of the said Boston Children's Friend Society, as guardian of minors, shall be exercised and performed by its officers and agents, and the said society may adopt by-laws in relation thereto not inconsistent with the general provisions of law applicable to such guardianships.

Powers and duties to be exercised and performed by officers.

SECTION 3. This act shall take effect upon its passage.

*Approved June 19, 1885.*

AN ACT TO AMEND THE CHARTER OF THE CITY OF FITCHBURG.

*Chap. 363*

*Be it enacted, etc., as follows :*

SECTION 1. The qualified voters of the city of Fitchburg at the annual municipal election occurring in the year eighteen hundred and eighty-five shall elect nine persons inhabitants of the city to constitute with the mayor of said city, who shall be *ex officio* chairman thereof, and the president of the common council, the board of school committee of said city, the members of which shall serve without compensation. Three of said persons shall be elected to serve for the term of three years, three for the term of two years and three for the term of one year from the first Monday in January in the year eighteen hundred and eighty-six; and thereafter the qualified voters of said city shall annually elect three persons, inhabitants of the city, to serve as members of the board of school committee for the term of three years. The said board shall appoint from their own number or otherwise a superintendent of schools, to be under the direction and control of said board, who shall be *ex officio* secretary of said board, and the compensation of said superintendent shall be determined from year to year by the said board. Vacancies occurring among the elected members of said board may be filled by the joint ballot of the city council and board of school committee at any time, the member or members so elected to hold office only for the remainder of the municipal year.

Charter amended.

School committee.

Superintendent of schools.

SECTION 2. The members of the board of school committee as constituted under this act shall meet and organize on the second Monday in January in the year eighteen hundred and eighty-six and annually thereafter. The unexpired term of office of all members and officers of the board of school committee as hitherto organized and established shall terminate immediately upon the organization of the board of school committee as constituted under this act.

Board to organize on second Monday of January 1886.

Repeal.

SECTION 3. So much of chapter eighty-one of the acts of the year eighteen hundred and seventy-two as is inconsistent with the provisions of this act is hereby repealed.

Subject to acceptance by a majority vote.

SECTION 4. This act shall take effect upon its acceptance by a majority of the legal voters of said city voting thereon at a meeting legally called for that purpose.

*Approved June 19, 1885.*

**Chap. 364** AN ACT TO APPORTION AND ASSESS A STATE TAX OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS.

*Be it enacted, etc., as follows:*

State tax of \$1,500,000.

SECTION 1. Each city and town in this Commonwealth shall be assessed, and pay the several sums with which they stand respectively charged in the following schedule, that is to say:—

Barnstable County.

BARNSTABLE COUNTY.

Barnstable, . . .	Twenty-seven hundred and seventy-five dollars, . . .	\$2,775 00
Brewster, . . .	Nine hundred and seventy-five dollars, . . .	975 00
Chatham, . . .	Six hundred and seventy-five dollars, . . .	675 00
Dennis, . . .	Twelve hundred and fifteen dollars, . . .	1,215 00
Eastham, . . .	Two hundred and ten dollars, . . .	210 00
Falmouth, . . .	Three thousand and sixty dollars, . . .	3,060 00
Harwich, . . .	Nine hundred and fifteen dollars, . . .	915 00
Mashpee, . . .	Ninety dollars, . . .	90 00
Orleans, . . .	Five hundred and ten dollars, . . .	510 00
Provincetown, . . .	Seventeen hundred and twenty-five dollars, . . .	1,725 00
Sandwich, . . .	Fifteen hundred and ninety dollars, . . .	1,590 00
Truro, . . .	Two hundred and forty dollars, . . .	240 00
Wellfleet, . . .	Eight hundred and ten dollars, . . .	810 00
Yarmouth, . . .	Thirteen hundred and thirty-five dollars, . . .	1,335 00
		<hr/> \$16,125 00

## BERKSHIRE COUNTY.

Berkshire  
County.

Adams, . . .	Twenty-six hundred and seventy dollars, . . .	\$2,670 00
Alford, . . .	Two hundred and twenty-five dollars, . . .	225 00
Becket, . . .	Three hundred and forty-five dollars, . . .	345 00
Cheshire, . . .	Six hundred and seventy-five dollars, . . .	675 00
Clarksburg, . . .	One hundred and eighty dollars, . . .	180 00
Dalton, . . .	Thirteen hundred and sixty-five dollars, . . .	1,365 00
Egremont, . . .	Three hundred and seventy-five dollars, . . .	375 00
Florida, . . .	One hundred and thirty-five dollars, . . .	135 00
Great Barrington, . . .	Twenty-four hundred and thirty dollars, . . .	2,430 00
Hancock, . . .	Three hundred and sixty dollars, . . .	360 00
Hinsdale, . . .	Six hundred and seventy-five dollars, . . .	675 00
Lanesborough, . . .	Five hundred and ten dollars, . . .	510 00
Lee, . . .	Seventeen hundred and twenty-five dollars, . . .	1,725 00
Lenox, . . .	Twelve hundred and fifteen dollars, . . .	1,215 00
Monterey, . . .	Two hundred and twenty-five dollars, . . .	225 00
Mt. Washington, . . .	Sixty dollars, . . .	60 00
New Ashford, . . .	Seventy-five dollars, . . .	75 00
New Marlboro', . . .	Six hundred dollars, . . .	600 00
North Adams, . . .	Forty-two hundred and thirty dollars, . . .	4,230 00
Otis, . . .	Two hundred and ten dollars, . . .	210 00
Peru, . . .	One hundred and twenty dollars, . . .	120 00
Pittsfield, . . .	Seventy-three hundred and five dollars, . . .	7,305 00
Richmond, . . .	Four hundred and five dollars, . . .	405 00
Sandisfield, . . .	Three hundred and forty-five dollars, . . .	345 00
Savoy, . . .	One hundred and eighty dollars, . . .	180 00
Sheffield, . . .	Eight hundred and seventy dollars, . . .	870 00
Stockbridge, . . .	Twenty-two hundred and ninety-five dollars, . . .	2,295 00

Berkshire  
County.

## BERKSHIRE COUNTY — CONCLUDED.

Tyringham, . .	Two hundred and ten dollars, .	\$210 00
Washington, . .	One hundred and eighty dollars, .	180 00
W. Stockbridge, .	Six hundred and seventy-five dol- lars, .	675 00
Williamstown, . .	Fourteen hundred and ten dollars, .	1,410 00
Windsor, . . .	One hundred and ninety-five dollars, .	195 00
		<hr/> \$32,475 00

Bristol County.

## BRISTOL COUNTY.

Acushnet, . . .	Five hundred and seventy dollars, .	\$570 00
Attleborough, . .	Forty-six hundred and sixty-five dollars, .	4,665 00
Berkley, . . .	Three hundred and ninety dollars, .	390 00
Dartmouth, . . .	Nineteen hundred and five dollars, .	1,905 00
Dighton, . . .	Six hundred and ninety dollars, .	690 00
Easton, . . .	Thirty-three hundred and ninety dollars, .	3,390 00
Fairhaven, . . .	Thirteen hundred and ninety-five dollars, .	1,395 00
Fall River, . . .	Thirty-six thousand and thirty dol- lars, .	36,030 00
Freetown, . . .	Seven hundred and fifty dollars, .	750 00
Mansfield, . . .	Ten hundred and thirty-five dollars, .	1,035 00
New Bedford, . .	Twenty-five thousand seven hun- dred and seventy dollars, .	25,770 00
Norton, . . .	Seven hundred and thirty-five dol- lars, .	735 00
Raynham, . . .	Eight hundred and seventy dollars, .	870 00
Rehoboth, . . .	Six hundred and sixty dollars, .	660 00
Seekonk, . . .	Six hundred dollars, .	600 00
Somerset, . . .	Ten hundred and thirty-five dollars, .	1,035 00
Swansey, . . .	Six hundred and ninety dollars, .	690 00
Taunton, . . .	Fourteen thousand two hundred and thirty-five dollars, .	14,235 00
Westport, . . .	Twelve hundred and fifteen dollars, .	1,215 00
		<hr/> \$96,630 00

## DUKES COUNTY.

Dukes County.

Chilmark, . .	Two hundred and twenty-five dollars, . . . . .	\$225 00
Cottage City, .	Nine hundred and seventy-five dollars, . . . . .	975 00
Edgartown, . .	Seven hundred and thirty-five dollars, . . . . .	735 00
Gay Head, . .	Fifteen dollars, . . . . .	15 00
Gosnold, . . .	One hundred and sixty-five dollars, . . . . .	165 00
Tisbury, . . .	Six hundred and fifteen dollars, . . . . .	615 00
		<hr/> \$2,730 00

## ESSEX COUNTY.

Essex County.

Amesbury, . .	Fourteen hundred and ten dollars, . . . . .	\$1,410 00
Andover, . . .	Forty-one hundred and forty dollars, . . . . .	4,140 00
Beverly, . . .	Eighty-three hundred and fifty-five dollars, . . . . .	8,355 00
Boxford, . . .	Five hundred and fifty-five dollars, . . . . .	555 00
Bradford, . . .	Eleven hundred and seventy dollars, . . . . .	1,170 00
Danvers, . . .	Thirty-two hundred and ten dollars, . . . . .	3,210 00
Essex, . . . .	Eight hundred and twenty-five dollars, . . . . .	825 00
Georgetown, .	Nine hundred dollars, . . . . .	900 00
Gloucester, . .	Eighty-three hundred and seventy dollars, . . . . .	8,370 00
Groveland, . .	Seven hundred and eighty dollars, . . . . .	780 00
Hamilton, . . .	Five hundred and fifty-five dollars, . . . . .	555 00
Haverhill, . .	Ten thousand one hundred and seventy dollars, . . . . .	10,170 00
Ipswich, . . .	Seventeen hundred and eighty-five dollars, . . . . .	1,785 00
Lawrence, . . .	Twenty-two thousand five hundred and seventy-five dollars, . . . . .	22,575 00
Lynn, . . . . .	Twenty-one thousand five hundred and ten dollars, . . . . .	21,510 00
Lynnfield, . .	Four hundred and eighty dollars, . . . . .	480 00
Manchester, . .	Three thousand and ninety dollars, . . . . .	3,090 00

Essex County.

## ESSEX COUNTY — CONCLUDED.

Marblehead, . .	Thirty-four hundred and fifty dollars, . . . . .	\$3,450 00
Merrimac, . .	Ten hundred and thirty-five dollars, . . . . .	1,035 00
Methuen, . .	Twenty-three hundred and seventy dollars, . . . . .	2,370 00
Middleton, . .	Four hundred and fifty dollars, . . . . .	450 00
Nahant, . .	Five thousand one hundred and seventy-five dollars, . . . . .	5,175 00
Newbury, . .	Eight hundred and eighty-five dollars, . . . . .	885 00
Newburyport, .	Seven thousand and eighty dollars, . . . . .	7,080 00
North Andover, .	Twenty-two hundred and five dollars, . . . . .	2,205 00
Peabody, . .	Six thousand and thirty dollars, . . . . .	6,030 00
Rockport, . .	Seventeen hundred and eighty-five dollars, . . . . .	1,785 00
Rowley, . .	Four hundred and eighty dollars, . . . . .	480 00
Salem, . .	Twenty-two thousand nine hundred and ninety-five dollars, . . . . .	22,995 00
Salisbury, . .	Nineteen hundred and thirty-five dollars, . . . . .	1,935 00
Saugus, . .	Eleven hundred and seventy dollars, . . . . .	1,170 00
Swampscott, . .	Thirty-two hundred and ten dollars, . . . . .	3,210 00
Topsfield, . .	Six hundred and sixty dollars, . . . . .	660 00
Wenham, . .	Four hundred and sixty-five dollars, . . . . .	465 00
West Newbury, .	Nine hundred and ninety dollars, . . . . .	990 00
		<hr/> \$152,250 00

Franklin  
County.

## FRANKLIN COUNTY.

Ashfield, . .	Four hundred and five dollars, . . . . .	\$405 00
Bernardston, . .	Three hundred and ninety dollars, . . . . .	390 00
Buckland, . .	Four hundred and eighty dollars, . . . . .	480 00
Charlemont, . .	Three hundred dollars, . . . . .	300 00
Colrain, . .	Five hundred and seventy dollars, . . . . .	570 00

## FRANKLIN COUNTY — CONCLUDED.

Franklin  
County.

Conway, . . .	Six hundred and forty-five dollars, .	\$645 00
Deerfield, . . .	Eleven hundred and twenty-five dollars, . . . . .	1,125 00
Erving, . . . .	Two hundred and eighty-five dollars, . . . . .	285 00
Gill, . . . . .	Three hundred and seventy-five dollars, . . . . .	375 00
Greenfield, . . .	Twenty-seven hundred and ninety dollars, . . . . .	2,790 00
Hawley, . . . .	One hundred and fifty dollars, . . . . .	150 00
Heath, . . . . .	One hundred and sixty-five dollars, . . . . .	165 00
Leverett, . . . .	Two hundred and forty dollars, . . . . .	240 00
Leyden, . . . . .	One hundred and eighty dollars, . . . . .	180 00
Monroe, . . . . .	Thirty dollars, . . . . .	30 00
Montague, . . . .	Twenty-four hundred and thirty dollars, . . . . .	2,430 00
New Salem, . . .	Two hundred and eighty-five dollars, . . . . .	285 00
Northfield, . . .	Six hundred and fifteen dollars, . . . . .	615 00
Orange, . . . . .	Fifteen hundred and forty-five dollars, . . . . .	1,545 00
Rowe, . . . . .	One hundred and fifty dollars, . . . . .	150 00
Shelburne, . . . .	Seven hundred and fifty dollars, . . . . .	750 00
Shutesbury, . . .	One hundred and thirty-five dollars, . . . . .	135 00
Sunderland, . . .	Three hundred and sixty dollars, . . . . .	360 00
Warwick, . . . . .	Two hundred and seventy dollars, . . . . .	270 00
Wendell, . . . . .	One hundred and sixty-five dollars, . . . . .	165 00
Whately, . . . . .	Three hundred and ninety dollars, . . . . .	390 00
		<hr/> \$15,225 00

## HAMPDEN COUNTY.

Hampden  
County.

Agawam, . . . . .	Eleven hundred and ten dollars, . . . . .	\$1,110 00
Blandford, . . . .	Three hundred and fifteen dollars, . . . . .	315 00
Brimfield, . . . .	Four hundred and fifty dollars, . . . . .	450 00

Hampden  
County.

## HAMPDEN COUNTY — CONCLUDED.

Chester, . .	Four hundred and fifty dollars, .	\$450 00
Chicopee, . .	Forty-six hundred and eighty dol- lars, . . . . .	4,680 00
Granville, . .	Three hundred and thirty dollars, .	330 00
Hampden, . .	Three hundred and ninety dollars, .	390 00
Holland, . .	One hundred and five dollars, .	105 00
Holyoke, . .	Eleven thousand, seven hundred and forty-five dollars, . . . .	11,745 00
Longmeadow, .	Ten hundred and five dollars, . .	1,005 00
Ludlow, . .	Six hundred and sixty dollars, .	660 00
Monson, . .	Fourteen hundred and twenty-five dollars, . . . . .	1,425 00
Montgomery, .	One hundred and twenty dollars, .	120 00
Palmer, . .	Twenty-one hundred and thirty dol- lars, . . . . .	2,130 00
Russell, . .	Three hundred and seventy-five dol- lars, . . . . .	375 00
Southwick, . .	Five hundred and twenty-five dol- lars, . . . . .	525 00
Springfield, .	Thirty-one thousand four hundred and twenty-five dollars, . . . .	31,425 00
Tolland, . .	One hundred and sixty-five dollars,	165 00
Wales, . .	Three hundred and thirty dollars, .	330 00
Westfield, . .	Fifty-four hundred dollars, . . .	5,400 00
West Springfield,	Twenty-seven hundred and ninety dollars, . . . . .	2,790 00
Wilbraham, . .	Six hundred and thirty dollars, .	630 00
		<hr/> \$66,555 00

Hampshire  
County.

## HAMPSHIRE COUNTY.

Amherst, . .	Twenty-two hundred and sixty-five dollars, . . . . .	\$2,265 00
Belchertown, .	Nine hundred and fifteen dollars, .	915 00
Chesterfield, .	Two hundred and seventy dollars, .	270 00
Cummington, .	Three hundred and fifteen dollars, .	315 00

## HAMPSHIRE COUNTY — CONCLUDED.

Hampshire  
County.

Easthampton, . .	Twenty-one hundred dollars, . .	\$2,100 00
Enfield, . . .	Six hundred and forty-five dollars, .	645 00
Goshen, . . .	One hundred and five dollars, . .	105 00
Granby, . . .	Three hundred and ninety dollars, .	390 00
Greenwich, . .	Two hundred and forty dollars, . .	240 00
Hadley, . . .	Ten hundred and thirty-five dollars,	1,035 00
Hatfield, . . .	Nine hundred dollars, . . . .	900 00
Huntington, . .	Four hundred and thirty-five dollars,	435 00
Middlefield, . .	Two hundred and eighty-five dol- lars, . . . .	285 00
Northampton, .	Seven thousand and eighty dollars,	7,080 00
Pelham, . . .	One hundred and fifty dollars, . .	150 00
Plainfield, . .	One hundred and fifty dollars, . .	150 00
Prescott, . . .	One hundred and sixty-five dollars,	165 00
South Hadley, .	Sixteen hundred and sixty-five dol- lars, . . . .	1,665 00
Southampton, .	Four hundred and fifty dollars, . .	450 00
Ware, . . . .	Nineteen hundred and eighty dol- lars, . . . .	1,980 00
Westhampton, .	Two hundred and forty dollars, . .	240 00
Williamsburg, .	Eight hundred and fifty-five dollars,	855 00
Worthington, . .	Two hundred and eighty-five dollars,	285 00
		<hr/> \$22,920 00

## MIDDLESEX COUNTY.

Middlesex  
County.

Acton, . . . .	Eleven hundred and ten dollars, . .	\$1,110 00
Arlington, . . .	Forty-three hundred and thirty-five dollars, . . . .	4,335 00
Ashby, . . . .	Four hundred and thirty-five dollars,	435 00
Ashland, . . .	Eleven hundred and eighty-five dol- lars, . . . .	1,185 00

Middlesex  
County.

## MIDDLESEX COUNTY — CONTINUED.

Ayer, . . .	Nine hundred and thirty dollars, .	\$930 00
Bedford, . . .	Six hundred and sixty dollars, .	660 00
Belmont, . . .	Twenty-six hundred and forty dol- lars, . . .	2,640 00
Billerica, . . .	Sixteen hundred and twenty dollars, .	1,620 00
Boxborough, . . .	Two hundred and twenty-five dol- lars, . . .	225 00
Burlington, . . .	Four hundred and twenty dollars, .	420 00
Cambridge, . . .	Forty-four thousand eight hundred and thirty-five dollars, . . .	44,835 00
Carlisle, . . .	Three hundred and thirty dollars, .	330 00
Chelmsford, . . .	Fourteen hundred and fifty-five dol- lars, . . .	1,455 00
Concord, . . .	Twenty-eight hundred and ninety- five dollars, . . .	2,895 00
Dracut, . . .	Nine hundred and ninety dollars, .	990 00
Dunstable, . . .	Two hundred and seventy dollars, .	270 00
Everett, . . .	Thirty-nine hundred and seventy- five dollars, . . .	3,975 00
Framingham, . . .	Forty-eight hundred and ninety dol- lars, . . .	4,890 00
Groton, . . .	Twenty-six hundred and seventy dollars, . . .	2,670 00
Holliston, . . .	Fifteen hundred dollars, . . .	1,500 00
Hopkinton, . . .	Two thousand and twenty-five dol- lars, . . .	2,025 00
Hudson, . . .	Sixteen hundred and ninety-five dol- lars, . . .	1,695 00
Lexington, . . .	Twenty-one hundred and seventy- five dollars, . . .	2,175 00
Lincoln, . . .	Eleven hundred and forty dollars, .	1,140 00
Littleton, . . .	Six hundred and sixty dollars, .	660 00
Lowell, . . .	Forty-one thousand five hundred and sixty-five dollars, . . .	41,565 00
Malden, . . .	Nine thousand six hundred and ninety dollars, . . .	9,690 00
Marlborough, . . .	Three thousand four hundred and ninety-five dollars, . . .	3,495 00
Maynard, . . .	Fourteen hundred and twenty-five dollars, . . .	1,425 00
Medford, . . .	Seven thousand and twenty dollars, .	7,020 00
Melrose, . . .	Thirty-three hundred and thirty dol- lars, . . .	3,330 00

## MIDDLESEX COUNTY — CONCLUDED.

Middlesex  
County.

Natick, . . .	Thirty-nine hundred and ninety dollars, . . .	\$3,990 00
Newton, . . .	Twenty-four thousand one hundred and thirty-five dollars, . . .	24,135 00
North Reading, .	Four hundred and thirty-five dollars, . . .	435 00
Pepperell, . . .	Thirteen hundred and sixty-five dollars, . . .	1,365 00
Reading, . . .	Two thousand and fifty-five dollars, . . .	2,055 00
Sherborn, . . .	Seven hundred and thirty-five dollars, . . .	735 00
Shirley, . . .	Six hundred and forty-five dollars, . . .	645 00
Somerville, . .	Nineteen thousand seven hundred and twenty-five dollars, . . .	19,725 00
Stoneham, . . .	Twenty-six hundred and twenty-five dollars, . . .	2,625 00
Stow, . . .	Eight hundred and ten dollars, . . .	810 00
Sudbury, . . .	Nine hundred and fifteen dollars, . . .	915 00
Tewksbury, . .	Nine hundred and ninety dollars, . . .	990 00
Townsend, . . .	Nine hundred and seventy-five dollars, . . .	975 00
Tyngsborough, .	Three hundred and thirty dollars, . . .	330 00
Wakefield, . . .	Thirty-two hundred and ten dollars, . . .	3,210 00
Waltham, . . .	Eighty-four hundred and sixty dollars, . . .	8,460 00
Watertown, . .	Sixty-six hundred and seventy-five dollars, . . .	6,675 00
Wayland, . . .	Ten hundred and eighty dollars, . . .	1,080 00
Westford, . . .	Nine hundred and seventy-five dollars, . . .	975 00
Weston, . . .	Eighteen hundred and sixty dollars, . . .	1,860 00
Wilmington, . .	Four hundred and ninety-five dollars, . . .	495 00
Winchester, . .	Thirty-three hundred dollars, . . .	3,300 00
Woburn, . . .	Seventy-two hundred dollars, . . .	7,200 00
		<hr/> \$244,575 00

Nantucket  
County.

## NANTUCKET COUNTY.

Nantucket, .	Twenty-two hundred and ninety-five dollars, . . . . .	\$2,295 00
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Norfolk County.

## NORFOLK COUNTY.

Bellingham, .	Five hundred and ten dollars, .	\$510 00
Braintree, . .	Twenty-seven hundred and ninety dollars, . . . . .	2,790 00
Brookline, . .	Twenty-three thousand four hundred and forty-five dollars, . .	23,445 00
Canton, . . .	Twenty-eight hundred and thirty-five dollars, . . . . .	2,835 00
Cohasset, . .	Twenty-seven hundred and fifteen dollars, . . . . .	2,715 00
Dedham, . . .	Forty-eight hundred and ninety dollars, . . . . .	4,890 00
Dover, . . . .	Four hundred and five dollars, .	405 00
Foxborough, .	Thirteen hundred and thirty-five dollars, . . . . .	1,335 00
Franklin, . . .	Sixteen hundred and thirty-five dollars, . . . . .	1,635 00
Holbrook, . .	Twelve hundred and seventy-five dollars, . . . . .	1,275 00
Hyde Park, . .	Four thousand and sixty-five dollars, . . . . .	4,065 00
Medfield, . . .	Ten hundred and twenty dollars, .	1,020 00
Medway, . . .	Fourteen hundred and eighty-five dollars, . . . . .	1,485 00
Milton, . . . .	Ninety-eight hundred and eighty-five dollars, . . . . .	9,885 00
Needham, . . .	Fifteen hundred and fifteen dollars, .	1,515 00
Norfolk, . . .	Three hundred and forty-five dollars, . . . . .	345 00
Norwood, . . .	Sixteen hundred and sixty-five dollars, . . . . .	1,665 00
Quincy, . . . .	Sixty-seven hundred and fifty dollars, . . . . .	6,750 00
Randolph, . . .	Twenty-one hundred and seventy-five dollars, . . . . .	2,175 00
Sharon, . . . .	Nine hundred and seventy-five dollars, . . . . .	975 00
Stoughton, . .	Nineteen hundred and fifty dollars, .	1,950 00

## NORFOLK COUNTY — CONCLUDED.

Norfolk County.

Walpole, . .	Twelve hundred and thirty dollars,	\$1,230 00
Wellesley, . .	Twenty-nine hundred and ten dol- lars,	2,910 00
Weymouth, . .	Fifty-four hundred and ninety dol- lars,	5,490 00
Wrentham, . .	Eleven hundred and fifty-five dollars,	1,155 00
		<hr/> \$84,450 00

## PLYMOUTH COUNTY.

Plymouth  
County.

Abington, . .	Sixteen hundred and sixty-five dol- lars,	\$1,665 00
Bridgewater, . .	Two thousand and seventy dollars,	2,070 00
Brockton, . .	Seventy-eight hundred dollars,	7,800 00
Carver, . .	Five hundred and ten dollars,	510 00
Duxbury, . .	Eleven hundred and ten dollars,	1,110 00
E. Bridgewater, .	Thirteen hundred and ninety-five dollars,	1,395 00
Halifax, . .	Two hundred and twenty-five dol- lars,	225 00
Hanover, . .	Ten hundred and sixty-five dollars,	1,065 00
Hanson, . .	Five hundred and ten dollars,	510 00
Hingham, . .	Thirty-one hundred and eighty dol- lars,	3,180 00
Hull, . .	Twelve hundred and forty-five dol- lars,	1,245 00
Kingston, . .	Sixteen hundred and sixty-five dol- lars,	1,665 00
Lakeville, . .	Four hundred and thirty-five dollars,	435 00
Marion, . .	Seven hundred and twenty dollars,	720 00
Marshfield, . .	Nine hundred and seventy-five dol- lars,	975 00
Mattapoisett, . .	Eleven hundred and eighty-five dol- lars,	1,185 00
Middleborough, .	Twenty-six hundred and ten dollars,	2,610 00
Pembroke, . .	Six hundred dollars,	600 00
Plymouth, . .	Forty-two hundred and fifteen dol- lars,	4,215 00

Plymouth  
County.

## PLYMOUTH COUNTY — CONCLUDED.

Plympton, . .	Two hundred and seventy dollars, .	\$270 00
Rochester, . .	Four hundred and twenty dollars, .	420 00
Rockland, . .	Two thousand and ten dollars, .	2,010 00
Scituate, . .	Eleven hundred and seventy dol- lars, . . . . .	1,170 00
South Abington,	Nineteen hundred and fifty dollars,	1,950 00
South Scituate, .	One thousand and five dollars, .	1,005 00
Wareham, . .	Ten hundred and eighty dollars, .	1,080 00
W. Bridgewater,	Eight hundred and forty dollars, .	840 00
		<hr/> \$41,925 00

Suffolk County.

## SUFFOLK COUNTY.

Boston, . .	Five hundred and seventy-eight thousand and fifty-five dollars, .	\$578,055 00
Chelsea, . .	Fourteen thousand four hundred and forty-five dollars, . . . .	14,445 00
Revere, . .	Twenty-one hundred and sixty dol- lars, . . . . .	2,160 00
Winthrop, . .	Thirteen hundred and eighty dol- lars, . . . . .	1,380 00
		<hr/> \$596,040 00

Worcester  
County.

## WORCESTER COUNTY.

Ashburnham, .	Eight hundred and fifty-five dollars,	\$855 00
Athol, . .	Twenty-one hundred dollars, . .	2,100 00
Auburn, . .	Four hundred and thirty-five dol- lars, . . . . .	435 00
Barre, . .	Thirteen hundred and twenty dol- lars, . . . . .	1,320 00
Berlin, . .	Four hundred and thirty-five dol- lars, . . . . .	435 00
Blackstone, .	Eighteen hundred and forty-five dol- lars, . . . . .	1,845 00
Bolton, . .	Four hundred and fifty dollars, .	450 00
Boylston, . .	Four hundred and thirty-five dol- lars, . . . . .	435 00

## WORCESTER COUNTY — CONTINUED.

Worcester  
County.

Brookfield, . . .	Eleven hundred and fifty-five dol- lars, . . . . .	\$1,155 00
Charlton, . . .	Nine hundred and thirty dollars, . .	930 00
Clinton, . . .	Forty-four hundred and twenty-five dollars, . . . . .	4,425 00
Dana, . . .	Two hundred and forty dollars, . .	240 00
Douglas, . . .	Nine hundred and thirty dollars, . .	930 00
Dudley, . . .	Eight hundred and forty dollars, . .	840 00
Fitchburg, . .	Ninety-five hundred and forty dol- lars, . . . . .	9,540 00
Gardner, . . .	Twenty-four hundred and fifteen dollars, . . . . .	2,415 00
Grafton, . . .	Eighteen hundred and sixty dollars,	1,860 00
Hardwick, . .	Ten hundred and thirty-five dollars,	1,035 00
Harvard, . . .	Eight hundred and twenty-five dol- lars, . . . . .	825 00
Holden, . . .	Nine hundred dollars, . . . . .	900 00
Hubbardston, .	Six hundred and seventy-five dol- lars, . . . . .	675 00
Lancaster, . .	Twenty-two hundred and fifty dol- lars, . . . . .	2,250 00
Leicester, . .	Fifteen hundred and seventy-five dollars, . . . . .	1,575 00
Leominster, . .	Thirty-four hundred and twenty dollars, . . . . .	3,420 00
Lunenburg, . .	Six hundred and thirty dollars, . .	630 00
Mendon, . . .	Five hundred and forty dollars, . .	540 00
Milford, . . .	Forty-seven hundred and forty dol- lars, . . . . .	4,740 00
Millbury, . . .	Eighteen hundred and ninety dol- lars, . . . . .	1,890 00
New Braintree, .	Four hundred and five dollars, . .	405 00
Northborough, .	Nine hundred and ninety dollars, . .	990 00
Northbridge, . .	Twenty-three hundred and forty dollars, . . . . .	2,340 00
North Brookfield,	Seventeen hundred and twenty-five dollars, . . . . .	1,725 00
Oakham, . . .	Three hundred and fifteen dollars, .	315 00
Oxford, . . .	Twelve hundred and forty-five dol- lars, . . . . .	1,245 00

Worcester  
County.

## WORCESTER COUNTY — CONCLUDED.

Paxton, . . .	Two hundred and forty dollars, . . .	\$240 00
Petersham, . . .	Five hundred and forty dollars, . . .	540 00
Phillipston, . . .	Two hundred and fifty-five dollars, . . .	255 00
Princeton, . . .	Seven hundred and sixty-five dol- lars, . . .	765 00
Royalston, . . .	Seven hundred and five dollars, . . .	705 00
Rutland, . . .	Four hundred and twenty dollars, . . .	420 00
Shrewsbury, . . .	Nine hundred dollars, . . . . .	900 00
Southborough, . . .	Eleven hundred and eighty-five dol- lars, . . .	1,185 00
Southbridge, . . .	Twenty-eight hundred and twenty dollars, . . .	2,820 00
Spencer, . . .	Three thousand and ninety dollars, . . .	3,090 00
Sterling, . . .	Eight hundred and ten dollars, . . .	810 00
Sturbridge, . . .	Nine hundred and thirty dollars, . . .	930 00
Sutton, . . .	Twelve hundred dollars, . . . . .	1,200 00
Templeton, . . .	Ten hundred and ninety-five dol- lars, . . .	1,095 00
Upton, . . .	Seven hundred and fifty dollars, . . .	750 00
Uxbridge, . . .	Eighteen hundred and fifteen dol- lars, . . .	1,815 00
Warren, . . .	Nineteen hundred and thirty-five dollars, . . .	1,935 00
Webster, . . .	Twenty-one hundred and forty-five dollars, . . .	2,145 00
Westborough, . . .	Twenty-three hundred and forty dollars, . . .	2,340 00
West Boylston, . . .	Ten hundred and thirty-five dollars, . . .	1,035 00
West Brookfield, . . .	Seven hundred and sixty-five dol- lars, . . .	765 00
Westminster, . . .	Seven hundred and twenty dollars, . . .	720 00
Winchendon, . . .	Sixteen hundred and ninety-five dollars, . . .	1,695 00
Worcester, . . .	Forty-one thousand nine hundred and forty dollars, . . . . .	41,940 00
		<hr/> \$125,805 00

## RECAPITULATION.

Recapitulation  
by counties.

Barnstable Co., .	Sixteen thousand one hundred and twenty-five dollars, . . . . .	\$16,125 00
Berkshire Co., .	Thirty-two thousand four hundred and seventy-five dollars, . . . .	32,475 00
Bristol Co., .	Ninety-six thousand six hundred and thirty dollars, . . . . .	96,630 00
Dukes Co., .	Twenty-seven hundred and thirty dollars, . . . . .	2,730 00
Essex Co., .	One hundred and fifty-two thousand two hundred and fifty dollars, . . . . .	152,250 00
Franklin Co., .	Fifteen thousand two hundred and twenty-five dollars, . . . . .	15,225 00
Hampden Co., .	Sixty-six thousand five hundred and fifty-five dollars, . . . . .	66,555 00
Hampshire Co., .	Twenty-two thousand nine hundred and twenty dollars, . . . . .	22,920 00
Middlesex Co., .	Two hundred and forty-four thousand five hundred and seventy-five dollars, . . . . .	244,575 00
Nantucket Co., .	Twenty-two hundred and ninety-five dollars, . . . . .	2,295 00
Norfolk Co., .	Eighty-four thousand four hundred and fifty dollars, . . . . .	84,450 00
Plymouth Co., .	Forty-one thousand nine hundred and twenty-five dollars, . . . .	41,925 00
Suffolk Co., .	Five hundred and ninety-six thousand and forty dollars, . . . .	596,040 00
Worcester Co., .	One hundred and twenty-five thousand eight hundred and five dollars, . . . . .	125,805 00
		<hr/> \$1,500,000 00

SECTION 2. The treasurer of the Commonwealth shall forthwith send his warrant, directed to the selectmen or assessors of each city or town taxed as aforesaid, requiring them respectively to assess the sum so charged, according to the provisions of chapter eleven of the Public Statutes, and to add the amount of such tax to the amount of town and county taxes to be assessed by them respectively on each city and town.

Treasurer of the  
Commonwealth  
to issue war-  
rants.

SECTION 3. The treasurer of the Commonwealth in his warrant shall require the said selectmen or assessors to pay, or issue severally their warrant or warrants requiring the treasurers of their several cities or towns to pay, to the treasurer of the Commonwealth, on or before the tenth

To require  
selectmen or  
assessors to  
issue warrants  
to city or town  
treasurers.

day of December in the year eighteen hundred and eighty-five, the sums set against said cities and towns in the schedule aforesaid; and the selectmen or assessors respectively shall return a certificate of the names of the treasurers of their several cities and towns, with the sum which each may be required to collect, to the treasurer of the Commonwealth, at some time before the first day of October in the year eighteen hundred and eighty-five.

To notify  
treasurers of de-  
linquent cities  
and towns.

SECTION 4. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the Commonwealth within the time specified, then the said treasurer shall notify the treasurer of such delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would be equal to one per centum per month during such delinquency, from and after the tenth day of December in the year eighteen hundred and eighty-five; and if the same remains unpaid after the first day of January in the year eighteen hundred and eighty-six, an information may be filed by the treasurer of the Commonwealth in the supreme judicial court, or before any justice thereof, against such delinquent city or town; and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town, to enforce the payment of said taxes under such penalties as said court or the justice thereof before whom the hearing is had shall order.

Warrant of  
distress, may  
issue.

SECTION 5. This act shall take effect upon its passage.

*Approved June 19, 1885.*

### Chap. 365

AN ACT IN RELATION TO THE PUNISHMENT OF PERSONS COMMITTING OFFENCES NAMED IN SECTIONS TWENTY-NINE AND FORTY-TWO OF CHAPTER TWO HUNDRED AND SEVEN OF THE PUBLIC STATUTES, OR CONVICTED OF A THIRD OFFENCE OF DRUNKENNESS WITHIN ONE YEAR.

*Be it enacted, etc., as follows:*

Sentence not  
less than one  
nor more than  
two years.

SECTION 1. Male persons committing any of the offences named in sections twenty-nine and forty-two of chapter two hundred and seven of the Public Statutes may be sentenced to the Massachusetts reformatory for not less than one year nor more than two years.

SECTION 2. If a male person is guilty of drunkenness, who has been convicted of a like offence twice before

within the next preceding twelve months, he may be sentenced to the Massachusetts reformatory for not less than one nor more than two years. *Approved June 19, 1885.*

AN ACT TO CONFIRM CERTAIN ACTS OF THE NAUMKEAG STREET RAILWAY COMPANY. Chap. 366

*Be it enacted, etc., as follows :*

SECTION 1. Chapter two hundred and sixty of the acts of the year eighteen hundred and seventy-four is hereby amended by inserting at the end of the first section thereof the following words: "Said corporation shall likewise have authority to locate, construct, maintain and operate a street railway for public use in the conveyance of persons in the city of Salem and towns of Marblehead, Peabody and Beverly, in addition to that of the Salem Street Railway Company."

May construct street railway in Marblehead, Peabody and Beverly, 1874, 280.

SECTION 2. The acts of the Naumkeag Street Railway Company, the corporation organized under chapter two hundred and sixty of the acts of the year eighteen hundred and seventy-four in locating, constructing, maintaining and operating a street railway in the city of Salem and towns of Marblehead, Peabody and Beverly, in addition to that of the Salem Street Railway Company are hereby confirmed and made valid.

Acts confirmed and made valid.

SECTION 3. The mortgage executed by the Naumkeag Street Railway Company the fifth day of March, eighteen hundred and seventy-five, upon its net receipts, tolls, profits, earnings and income in the sum of fifty thousand dollars is hereby confirmed and ratified to the same extent as if said mortgage had been authorized prior to its execution.

Mortgage confirmed.

SECTION 4. The Naumkeag Street Railway Company is hereby empowered to include and cover by the mortgage authorized by chapter one hundred and twenty-six of the acts of the present year the railway located, constructed, maintained or operated by it in the city of Salem and towns of Marblehead, Peabody and Beverly and any and all other property real or personal whether now or hereafter owned by said company, and used in connection with the operation of its railway or any part thereof excepting the Salem Street Railway and the property of the Salem Street Railway Company as described in a lease to J. P. Robinson dated August twenty-four, eighteen hundred and seventy-one.

May include certain other property in mortgage.

SECTION 5. This act shall take effect upon its passage.

*Approved June 19, 1885.*

**Chap.367** AN ACT TO AUTHORIZE THE SOCIETY FOR THE RELIEF OF AGED AND DESTITUTE CLERGYMEN TO HOLD ADDITIONAL PERSONAL PROPERTY.

*Be it enacted, etc., as follows :*

Personal estate  
not to exceed  
\$150,000.

SECTION 1. The Society for the Relief of Aged and Destitute Clergymen, incorporated by chapter one hundred and eighteen of the acts of the year eighteen hundred and fifteen, may receive and acquire by gift, bequest, purchase or otherwise, and may take, hold, manage, convey and dispose of, for the purposes of its incorporation, personal estate to an amount not exceeding one hundred and fifty thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved June 19, 1885.*

**Chap.368** AN ACT PROVIDING FOR THE TRANSFER OF CERTAIN LANDS IN WESTBOROUGH TO THE TRUSTEES OF THE WESTBOROUGH INSANE HOSPITAL.

*Be it enacted, etc., as follows :*

Lands, etc., to  
be transferred  
to Westborough  
insane hospital  
in trust.

All the lands and buildings thereon formerly belonging to the state reform school in Westborough, and now controlled and occupied by the Lyman school for boys, shall, whenever the same are vacated by said school, be transferred to the trustees of the Westborough insane hospital in trust for the Commonwealth.

*Approved June 19, 1885.*

**Chap.369** AN ACT CONCERNING THE PRINTING AND DISTRIBUTION OF CERTAIN REPORTS AND PUBLIC DOCUMENTS.

*Be it enacted, etc., as follows :*

Documents and  
reports.

SECTION 1. There shall be printed annually the number of copies of documents and reports specified in this section, the same to be numbered in the series of Public Documents, and distributed as herein provided : —

Agriculture.

Report of secretary of board of agriculture, twelve thousand copies ; twenty-five copies thereof to be furnished to each member of the legislature.

Agricultural  
college.

Report of trustees of the agricultural college, thirty-five hundred copies ; two thousand of which shall be for the use of the college.

Savings banks.

Report of savings banks commissioners, two thousand copies.

Report of the chief of the district police, fifteen hundred copies. District police.

Report of bureau of statistics of labor, five thousand copies, and in addition thereto five hundred copies in parts. Bureau of statistics of labor.

Report of treasurer and receiver-general, fifteen hundred copies. Treasurer.

Report of attorney-general, twelve hundred and fifty copies. Attorney-general.

Report of auditor of accounts, fifteen hundred copies. Auditor.

Report of adjutant-general, two thousand copies. Adjutant-general.

Report of trustees of the Perkins institution and Massachusetts school for the blind, twelve hundred and fifty copies. School for the blind.

Abstract of returns of corporations, twenty-five hundred copies. Corporations.

Reports of trustees of the lunatic hospitals at Northampton, Taunton, Worcester, Danvers and Westborough, and the state workhouse at Bridgewater, two thousand copies each. Lunatic hospitals.

Of that portion of the report of board of commissioners of prisons referring to the Massachusetts reformatory, five hundred copies, to be furnished to the superintendent. Massachusetts reformatory.

Report of secretary of board of education, forty-five hundred copies. Education.

Supplementary report of the health department of the board of health, lunacy and charity, five thousand copies. Health, lunacy and charity.

Report of board of control of the agricultural experiment station, eight thousand copies; six thousand of which shall be for the use of said board of control. Agricultural experiment station.

Report of registration of births, marriages and deaths, two thousand copies. Registration.

Report of librarian of state library, fifteen hundred copies. State library.

Report of state almshouse, fifteen hundred copies. State almshouse.

SECTION 2. Six thousand five hundred copies of the volume of the acts and resolves of the Commonwealth, provided for in section one of chapter four of the Public Statutes, shall be printed annually; ten copies thereof shall be furnished to each member of the general court, and to the clerks of the two branches. Acts and resolves.

SECTION 3. There shall also be printed the following: —

Of the manual of the general court, to be prepared each year by the clerks of the two branches, six thousand five Manual.

hundred copies. Each member of the general court shall be entitled to receive twelve copies.

List of mem-  
bers, etc.

Of the lists of the members and committees of the general court, to be prepared each year by the clerks of the two branches, twelve hundred copies.

Rules.

Of a book containing the rules of the two branches of the general court, with notes of rulings of the presiding officers, a list of members and committees of the general court, in convenient form for pocket use, to be prepared each year by the clerks of the two branches, seven hundred copies, three hundred and fifty of which shall be bound in memorandum-book form; the same to be for the use of members and officers of the general court.

Governor's  
address.

Of the governor's address, nine hundred copies for the use of the general court, and one thousand one hundred copies in addition; five hundred copies of which shall be for the personal use of the governor.

Repeal.

SECTION 4. Chapter one hundred and sixty-six of the acts of the year eighteen hundred and eighty-four, and so much of chapter four of the Public Statutes as is inconsistent with this act are repealed.

SECTION 5. This act shall take effect upon its passage.

*Approved June 19, 1885.*

**Chap.370** AN ACT TO CHANGE THE NAME OF THE CORPORATION KNOWN AS  
LA BANQUE CO-OPERATIVE CANADIENNE, AND TO CONFIRM ITS  
DOINGS.

*Be it enacted, etc., as follows:*

Name changed.

SECTION 1. The name of "La Banque Co-operative Canadienne," a corporation established under the laws of the Commonwealth, and having its place of business in the city of Lowell, is hereby changed to "The Canadian Co-operative Bank of Lowell."

Acts made  
valid.

SECTION 2. All acts of said corporation or of the officers thereof, heretofore done by them or any of them, shall have the same force and validity that they would have had if the name of the corporation had been "The Canadian Co-operative Bank."

SECTION 3. This act shall take effect upon its passage.

*Approved June 19, 1885.*

## AN ACT RELATIVE TO ADVERTISING HEARINGS BEFORE LEGISLATIVE COMMITTEES.

Chap.371

*Be it enacted, etc., as follows :*

SECTION 1. No committee of the general court, or of either branch thereof, shall advertise in any newspaper, at the expense of the Commonwealth, any hearing on any application for private or special legislation, except in such cases as are referred to in chapter twenty-four of the acts of the year eighteen hundred and eighty-five; and then only in cases where the parties interested can best be notified of the hearing by such advertisement.

Advertisement of hearings before legislative committees.

SECTION 2. Advertisements of hearings in such cases as are authorized in section one and on matters of general legislation, shall be published only in such newspapers as may be designated by the chairman on the part of the senate and house, and the clerk of a joint committee, and the chairman and clerk of a committee of either branch; and in each case the order for the advertisement shall be signed by the officers named, and be filed with the auditor of the Commonwealth, who shall forward a copy of the same to the newspaper or newspapers designated, and shall certify all bills for publishing such advertisements. And the auditor shall during the first week in April in each session report in detail to the general court the expenses incurred under this act by the several committees.

Designation of newspapers.

SECTION 3. No hearing relative to any matter of general legislation shall be advertised in more than three newspapers published in Suffolk County, nor in more than two newspapers published in any other county.

Number of newspapers limited.

SECTION 4. Section forty-two of chapter sixteen of the Public Statutes is repealed.

SECTION 5. This act shall take effect upon its passage.

*Approved June 19, 1885.*

## AN ACT TO AUTHORIZE THE QUINCY WATER COMPANY TO SUPPLY THE TOWN OF MILTON WITH WATER.

Chap.372

*Be it enacted, etc., as follows :*

SECTION 1. The Quincy Water Company, a corporation established under chapter one hundred and sixty-two of the acts of the year eighteen hundred and eighty-three, is authorized to furnish from its water supply to the town of Milton a supply of water for the use of said town for

Quincy Water Company may supply town of Milton with water.

the extinguishment of fires and for other town purposes, and may contract with said town for such supply of water, on such terms as may be agreed upon between said company and said town, subject to the prior rights of the town of Quincy; but in no case without the consent of a majority of the selectmen of said town, ratified by a majority of its voters present and voting thereon at a legal town meeting called for that purpose.

Subject to acceptance by the town.

Company may dig up lands, lay down pipes, etc.

SECTION 2. In case said town shall contract with said company for a supply of water, the said company may, under the direction of the road commissioners of said town, enter upon and dig up any public or private ways in said town, in such manner as not unnecessarily to obstruct such ways, for the purpose of constructing, maintaining and repairing its conduits, pipes, hydrants and other works in said town: *provided*, that the said town may construct its own conduits, pipes, hydrants and other works, and do all other things necessary for the purposes of this act within its own limits.

Town may purchase conduits, pipes, etc.

SECTION 3. In case the said company shall construct conduits, pipes, hydrants and other works in said town, as provided in section two, the said town shall have the right at any time to purchase the conduits, pipes, hydrants and other works of said company in said town, and the right to receive water through the same, at a price which may be mutually agreed upon between said company and said town; and the said company is authorized to make sale of the same to said town. In case the said company and said town are unable to agree, then the compensation to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court upon application of either party and notice to the other, whose award, when accepted by said court, shall be binding upon all parties. This authority to purchase said right and property of said company is granted on condition that the same is assented to by said town, by a two-thirds vote of the voters of said town present and voting thereon at a legal town meeting called for that purpose.

Subject to assent by a two-thirds vote.

SECTION 4. This act shall take effect upon its passage.

*Approved June 19, 1885.*

AN ACT TO AUTHORIZE THE CHARITABLE IRISH SOCIETY TO HOLD  
ADDITIONAL REAL AND PERSONAL PROPERTY AND TO ISSUE BONDS  
FOR BUILDING PURPOSES.

*Chap.373*

*Be it enacted, etc., as follows:*

SECTION 1. The Charitable Irish Society, a corporation duly established by chapter forty of the acts of the year one thousand eight hundred and nine, is authorized to hold real and personal property to the amount and value of two hundred thousand dollars, and to issue its corporate bonds for an amount not exceeding two hundred thousand dollars and to secure the same, if it so elects, by a mortgage of its real and personal property; the proceeds of said bonds to be devoted to the erection of a building for said society in the city of Boston. Said bonds shall be expressed to be redeemable within thirty years from the first day of January, A.D. eighteen hundred and eighty-six, and shall bear interest at a rate not exceeding six per centum per annum payable semi-annually.

Additional real and personal estate; may issue bonds.

SECTION 2. This act shall take effect upon its passage.

*Approved June 19, 1885.*

AN ACT RELATING TO THE INSPECTION AND CONSTRUCTION OF  
BUILDINGS IN THE CITY OF BOSTON.

*Chap.374*

*Be it enacted, etc., as follows:*

SECTION 1. There shall be in the city of Boston a department, to be called the Department for the Inspection of Buildings; which shall be furnished, at the expense of the city, with office room and such supplies for the transaction of its business as the city council may provide. The compensation of its officers shall be provided for by said city by ordinance.

Department for the inspection of buildings in Boston.

SECTION 2. The chief officer of said department shall be called the inspector of buildings, and shall be appointed by the mayor and confirmed by the board of aldermen. He shall hold office for the term of three years, or until his successor shall be appointed and confirmed; but may be removed by the mayor for malfeasance, incapacity or neglect of duty.

Inspector.

SECTION 3. The other officers of said department shall consist of a clerk, and such number of assistant inspectors as the city council may, from time to time, by ordinance determine; all of whom shall be appointed by the inspec-

Assistant inspectors and clerk.

tor, with the approval of the mayor, and shall hold office during good behavior; but may be removed by the inspector, with the approval of the mayor, for malfeasance, incapacity or neglect of duty.

Inspector and assistants to be architects or builders, etc.

SECTION 4. The inspector and assistant inspectors of the department shall be able and experienced architects, builders or mechanics, and shall not be employed or engaged in any other business, or be interested in any contract for building or for furnishing materials.

May enter any building.

SECTION 5. All said officers may, as far as necessary for the performance of their duties, enter any building or premises in the city of Boston.

Inspector to keep a record and make annual report.

SECTION 6. The inspector shall keep a record of the business of said department; submit to the city council a yearly report of such business; ascertain all facts and make all returns which shall be required by law relative to steam boilers; and enter upon the premises wherein any fire has occurred, if necessary, in order to investigate the origin of the fire; may require plans and specifications of any proposed erection or alteration of any building; and shall grant permits for such erection or alteration, when in conformity with the requirements of this act.

If owner of building is aggrieved matter to be settled by referees.

SECTION 7. Should the owner of any building object to any order or decision of said inspector, on a matter left by this act to his approval or control, and choose a referee to serve as hereinafter provided, within three days after being notified of such order or decision, the matter shall be referred to three referees, who shall be either architects or master builders, one chosen by the inspector, one by the owner, and a third by these two; and the decision thereon in writing of these referees, or a majority of them, shall be final and conclusive.

Clerk to have direction of employees.

SECTION 8. The clerk shall, under the direction of the inspector, have supervision and direction of the other officers and employees of the department.

Assistant inspectors to attend fires and report.

SECTION 9. The assistant inspectors of buildings shall attend all fires occurring in the districts to which they are respectively assigned, and report to the chief or assistant engineer of the fire department, present, all information they may have relative to the construction and condition of the premises on fire, and also any such information relating to the adjoining buildings.

Buildings in course of erection or alteration.

SECTION 10. The inspector, or his assistants, shall examine all buildings in the course of erection or altera-

tion, as often as practicable, and make a record of all violations of this act, with the street and number where such violations are found, the names of the owner, architect and master mechanics, and all other matters relative thereto.

SECTION 11. The inspector, or his assistants, shall examine all buildings reported dangerous, or damaged by fire or accident, and make a record of such examinations, including the nature and amount of such damage, with the name of the street and number of the building, the names of owner and occupant and for what purpose occupied, and, in case of fire, the probable origin thereof; examine all buildings for which applications have been made to raise, enlarge, alter or build upon, and make a record of the same. Said records shall always be open to the inspection of the engineers of the fire department or any officer of the city.

Buildings,  
dangerous or  
damaged by fire  
or accident.

SECTION 12. In the absence of the inspector, one of the assistant inspectors may be appointed by him to act as his deputy, who shall exercise all the powers of the inspector.

Deputy in-  
spector.

SECTION 13. No work except necessary repairs shall be done upon any wall, structure or building in said Boston without a permit from said inspector of buildings, nor except in conformity with the provisions of this act.

Permit for  
building.

SECTION 14. The inspector of buildings shall designate, in every permit for the erection of a new building, the lowest grade at which the floor of the basement story of said building shall be laid.

Lowest grade  
for basement.

SECTION 15. The said inspector shall not give a permit for the erection of any building until he has carefully inspected the plans and specifications thereof, ascertained that the building has sufficient strength, and that the means of ingress and egress are sufficient. A copy of plans and specifications of every public building shall be deposited in the office of the inspector.

Plans and spe-  
cifications to be  
carefully in-  
spected, — in-  
gress and egress.

SECTION 16. Every wall, structure and building hereafter built or altered in said city shall conform to the provisions of this act, so far as they are applicable, except bridges, quays, wharves and buildings belonging to the government of the United States or the Commonwealth of Massachusetts.

Buildings to  
conform to  
this act.

SECTION 17. In this act the following terms shall have the meanings respectively assigned to them: —

Meaning of  
terms used.

Meaning of  
terms used.

“Alteration” means any change or addition except necessary repairs in, to or upon any building, affecting an external, party or partition wall, chimney, floor or stair-way, and “to alter” means to make such change or addition.

“Brick building” means a building the walls of which are built of brick, stone, iron or other substantial and incombustible materials.

“Cellar” means a basement or lower story of any building of which one-half or more of the height from the floor to the ceiling is below the level of the street adjoining.

“External wall” means every outer wall or vertical enclosure of a building other than a party wall.

“Foundation” means that portion of a wall below the level of the street curb, and where the wall is not on a street, that portion of the wall below the level of the highest ground next to the wall.

“Inspector” means the inspector of buildings of the city of Boston.

“Lodging house” means a building in which persons are temporarily accommodated with sleeping apartments, and includes hotels.

“Partition wall” means any interior wall of masonry in a building.

“Party wall” means every wall used, or built in order to be used, as a separation of two or more buildings.

“Public building” means every building used as a church, chapel or other place of public worship; also every building used as a college, school, public hall, hospital, theatre, public concert room, public ball room, public lecture room or for any public assemblage.

“Tenement house” means a building which, or any portion of which, is to be occupied, or is occupied, as a dwelling by more than three families living independently of one another, and doing their cooking upon the premises; or by more than two families above the second floor, so living and cooking.

“Wooden building” means a wooden or frame building.

SECTION 18. The height of a wall means the height from the mean grade of the sidewalk or adjoining ground to the highest point of the wall.

SECTION 19. The thickness of a wall means the minimum thickness of such wall.

Height of a  
wall.

Thickness.

SECTION 20. The city council of said city may by ordinance make such requirements, in addition to those contained in this act, as they may deem expedient in relation to the erection and alteration of wooden buildings outside the building limits.

City council may make additional requirements.

SECTION 21. The city may from time to time, by ordinance, extend and establish building limits in said city, and within those limits every building built after such establishment shall be of brick, stone, iron or other substantial and incombustible material, and only the following wooden buildings shall be allowed, viz: Sheds not exceeding twenty-seven feet in height, on wharves, to be used for any lawful purpose; sheds of same height, in all parts of said limits, to be used for market purposes or to facilitate the building of authorized buildings; and elevators of any height for the storage of coal and grain; all external parts of which sheds and elevators shall be covered with incombustible material, and the materials used, the mode of construction and the location shall be approved by the inspector.

Building limits.

SECTION 22. Any wooden building within said limits may be altered or repaired in any manner approved by the inspector, provided neither its area nor height is increased.

Alteration of wooden buildings.

SECTION 23. No wooden building within or without the building limits shall be moved to any lot within said limits where it would be in violation of law to build such wooden building.

Moving wooden buildings.

SECTION 24. In all calculations for the strength of materials to be used in any building, the proportion between the safe weight and the breaking weight shall be as one to three, for all beams, girders and other pieces subjected to a cross strain; and as one to six for all posts, columns and other vertical support, and for all tie rods, tie beams and other pieces subjected to a tensile strain; and the requisite dimensions of each piece of material are to be ascertained by computation by the rules given by the best authorities, using for constants in the rules only such numbers as have been deduced from experiments on materials of like kind with that proposed to be used. All mortar and cement shall be of the best quality for the purposes for which they are applied, and shall be properly mixed.

Strength of building materials.

Buildings to be inspected before alteration.

SECTION 25. No building now or hereafter built shall be altered until it has been examined and approved by the inspector as being in a good and safe condition to be altered as proposed, and the alteration so made shall conform to the provisions of this act.

Wall not to be cut off or altered without permit.

SECTION 26. No wall of any building now erected, or hereafter to be built or erected, shall be cut off or altered, without a permit so to do having been first obtained from the inspector. Every temporary support placed under any structure, wall, girder, beam or column during the erection, finishing, altering or repairing of any building, or part thereof, shall be equal in strength to the permanent support required for such construction. And the walls and roof of every building shall be strongly braced from the beams of each story until all the bearing parts of the construction are completed, unless omitted by consent of inspector.

Bay windows.

SECTION 27. No bay window or other structure shall be placed upon any building so as to project over any public way or square, without the permission of the board of aldermen given after due notice and hearing, and then only in such manner as shall be approved by the inspector.

Thickness of walls.

SECTION 28. In the erection or alteration of any building the material of which, in whole or in part, is other than brick, stone or wood, the thickness of walls, of such material and the method of construction shall be such as the inspector shall approve.

Walls of incombustible material.

SECTION 29. All buildings in said city, to be used for tenement houses or lodging houses, and all buildings for any purpose within the building limits, except as provided in sections twenty and twenty-one, shall have external and party walls of brick, stone, iron or other substantial and incombustible material, and shall be subject to all the requirements for a "brick building," except as otherwise expressly stated.

Foundation of brick building.

SECTION 30. Every brick building hereafter built in said city shall be built upon a foundation resting not less than four feet below the surface exposed to frost, upon the solid ground, or levelled surfaces of solid rock, or upon piles, concrete or other solid substructure.

Excavations, protection of adjoining structures.

SECTION 31. Whenever any excavation, in the city of Boston, is to be carried to the depth of more than ten feet below the grade of street, and there shall be any wall or structure wholly or partly on adjoining land, or near the

intended excavation, the party causing such excavation to be made, if afforded the necessary permission to enter on such adjoining land, shall at all times, from the commencement until the completion of such excavation, at his own expense, preserve such wall or structure from injury, and so support the same by proper foundations that it shall remain as stable as before the excavation was commenced. Should the person making such excavation fail to protect said wall or structure from injury for twenty-four hours after being notified by the inspector of buildings so to do, the inspector may enter upon said premises and employ such labor and furnish such materials and take such steps as in his judgment may be necessary to make said wall or structure safe and secure; and any person or persons doing said work, or any part thereof, by the order and direction of the inspector, may bring and maintain an action against the party causing such excavation to be made for the value of such work. The party causing such excavation to be made may recover compensation from the adjoining owner, in case such adjoining owner should at any time thereafter make any use of said foundations below said ten feet below grade.

SECTION 32. Piles driven for a wall to rest upon shall be not less than five inches in diameter at the smallest end, and shall be spaced not more than three feet on centres, in the direction of the length of the wall, and nearer if required by the inspector; they shall be driven to a solid bearing, to be ascertained by boring, at the expense of the owner, when required by the inspector. The inspector shall determine the grade at which piles shall be cut off.

SECTION 33. Walls not exceeding twenty feet in height, where piling is necessary, may rest on a single row of piles, if deemed advisable by the inspector; walls exceeding twenty feet in height shall rest on not less than two rows of piles. Extra piles shall be driven where required by the inspector.

SECTION 34. For brick buildings exceeding thirty-five feet in height, there shall be under all foundation walls, piers, columns, posts and pillars resting on the earth, a footing or base course of stone or concrete, which, if under a foundation wall, shall be not less than twelve inches wider than the bottom width of said wall, and not less than twelve inches thick; and if under piers, columns,

Excavations.

Driving of piles,  
etc.Walls twenty  
feet in height  
may rest on  
single row of  
piles.Foundation, etc.  
of brick build-  
ings exceeding  
thirty-five feet  
in height.

posts and pillars, shall be of stone, and not less than twelve inches wider on all sides than the bottom area of said piers, columns, posts and pillars, and shall be not less than two feet by three feet in area by twelve inches in thickness, and when laid, to be thoroughly bedded in cement. If the walls rest on isolated piers, then there must be under such piers, footings, at least sixteen inches thick, thoroughly bedded in cement. All piles shall be capped with block granite levellers, each stone to have a firm bearing on at least one pile in each row.

Foundation walls of brick buildings, other than dwellings, etc.

SECTION 35. Foundation walls of brick buildings, other than dwelling, tenement or lodging houses, shall be constructed of block stone, laid in horizontal courses, with good bed and build surfaces, wedged with slate stone and laid in cement mortar, and eight inches thicker than the external or party wall immediately above and over the same; if said foundation is to be set to a depth of more than fifteen feet below the grade of the street, for each and every five feet additional depth greater than fifteen feet below the grade of street it shall be increased four inches in thickness. Foundations of such buildings not more than forty feet in height may be built of rubble work laid in cement and sand mortar, if the thickness of the foundation walls is one-fourth greater than given for block stone, and laid as specified in section thirty-six. In case of severe thrust or pressure on said walls, from any cause, there shall be such extra strengthening of said walls by thickening or by buttresses, or both, as the inspector may approve.

Foundation walls of brick buildings, for dwelling, tenement or lodging houses.

SECTION 36. Foundation walls of brick buildings to be used as dwelling, tenement or lodging houses, not exceeding thirty-five feet in height, if laid with block stone in horizontal courses, shall be not less than eighteen inches thick, or if in brick laid in cement, shall be not less than sixteen inches thick; exceeding thirty-five and not exceeding sixty feet in height, the foundations shall be not less than twenty-four inches thick, if laid in block stone in horizontal courses; if in brick laid in cement not less than twenty inches thick; for every fifteen feet additional height the thickness of foundations shall be increased four inches; if the walls do not exceed seventy-five feet in height the foundation walls may be built of uncoursed rubble work laid in cement mortar; but in all cases the thickness shall be one-fourth greater than that given for

block stone, and the work shall be thoroughly bonded, and, at least, two-thirds of the bulk of the wall shall be through stones, and no round or boulder stones shall be used: *provided*, that when such walls are laid on piles the lower course shall be block stone, not less than sixteen inches in height.

SECTION 37. All brick walls and buttresses shall be of merchantable, well shaped bricks, well laid and bedded, with well filled joints, in lime or cement mortar, and well flushed up at every course with mortar; and all brick used during the warm months shall be well wet at the time they are laid, and shall be dry at the time they are laid during the cold months.

Walls to be of well shaped merchantable bricks, etc.

SECTION 38. All walls of brick, stone or other similar material shall be thoroughly and practically bonded and tied, and solidly put together; shall be built to a line, plumb and straight, and laid with mortar or cement, and all supports of the same shall be of iron, brick, or stone, and of sufficient size and strength to safely support the superstructure.

Walls of brick, etc., to be thoroughly bonded, etc.

SECTION 39. Vaulted walls of the same thickness, independent of withes, may be used instead of solid walls, and the walls on either side of air space shall be not less than eight inches thick, and tied together perpendicularly with continuous withes of hard burned brick, of good quality, or other approved material, which shall be not more than three feet apart, and the air space shall be smoothly plastered.

Vaulted walls.

SECTION 40. Where a wall is finished with a stone cornice, the greatest weight of material of such cornice shall be on the inside of the face of the wall, so that the cornice shall firmly balance upon the wall.

Stone cornice.

SECTION 41. Every ninth course at least of a brick wall shall be a heading or bonding course, except where walls are faced with face brick, in which every ninth course shall be bonded with Flemish headers or by cutting the course of the face brick and putting in diagonal headers behind the same.

Every ninth course to be bonded.

SECTION 42. Every party wall shall be built through, and at least twelve inches above or distant from the roof boarding, at every part of the roof; shall be entirely covered with metal securely fastened, and corbelled to the outer edge of all projections; or a gutter stone of suitable dimensions and properly balanced may be in-

Party walls to be built through and at least twelve inches above roof.

served in place of the corbelling. But where the walls extend thirty-six inches above the adjoining building, parapet walls may be omitted.

Floor timbers  
entering party  
walls.

SECTION 43. All roof or floor timbers entering the same party wall from opposite sides shall have at least four inches solid brick work between the ends of said timbers.

External walls  
of brick  
buildings to be  
used as dwell-  
ings, etc.

SECTION 44. External walls of brick buildings to be used as dwelling, tenement and lodging houses, not more than twenty feet in width, and thirty feet in height, and not exceeding forty feet in depth, may have eight inch walls; not exceeding sixty feet, shall be not less than twelve inches thick the entire height; exceeding sixty feet, and not exceeding seventy feet in height, shall be sixteen inches thick to a height of twenty feet, or the top of the second floor, and twelve inches the remaining height; exceeding seventy feet, and not exceeding eighty feet in height, shall be twenty inches thick to the top of the second floor, and sixteen inches thick to the top of the upper floor, and twelve inches the remaining height, if the upper story is not more than ten feet in height; exceeding eighty feet, and not exceeding one hundred feet in height, shall be twenty-four inches to the second floor, and sixteen inches thick the remaining height; exceeding one hundred feet in height, the additional thickness shall be determined by the inspector.

External walls  
of buildings  
other than  
dwelling, etc.,  
houses.

SECTION 45. Brick buildings to be used as other than dwelling, tenement or lodging houses, shall have external walls not exceeding forty feet in height, not less than sixteen inches thick to the top of the second floor, and not less than twelve inches thick the remaining height; exceeding forty feet, and not exceeding sixty feet in height, twenty inches thick to the top of the second floor, and sixteen inches thick to the top of the upper floor, and twelve inches thick the remaining height; exceeding sixty feet, and not exceeding eighty feet, twenty inches thick to the top of the third floor, and sixteen inches thick to the top of the upper floor, and twelve inches thick the remaining height; exceeding eighty feet, and not exceeding one hundred feet in height, twenty-four inches to the top of the first floor, twenty inches to the top of the third floor, and sixteen inches thick the remaining height; exceeding one hundred feet in height, shall be of such additional thickness as shall be determined by the inspector.

SECTION 46. The external walls of brick buildings not exceeding thirty-five feet in height and not exceeding two thousand superficial feet, to be used for stables or light mechanical purposes, may be twelve inches thick.

External walls  
of stables, etc.

SECTION 47. Recesses and openings may be made in external walls provided that the backs of such recesses are not less than twelve inches in thickness, and that the areas of such recesses and openings, do not, taken together, exceed one-half of the whole area of the wall in which they are made. This restriction shall not apply to street fronts properly constructed of iron or iron and masonry.

Recesses and  
openings in ex-  
ternal walls.

SECTION 48. If the owner shall elect, the amount of material herein specified for external walls in sections forty-four and forty-five may be used either in piers or buttresses, provided the external walls between said piers and buttresses shall not be less than twelve inches thick in buildings less than fifty feet in height; if in excess of fifty feet, and not over one hundred feet in height, the external walls between said piers and buttresses shall be not less than sixteen inches thick. No external wall between the window caps and top of floors at each story shall be of less thickness than that prescribed for external walls in sections forty-four and forty-five.

Piers and  
buttresses.

SECTION 49. In all brick buildings over twenty-five feet in width, not having either brick partition walls, or girders supported by columns running from front to rear, and the entire height of the building, the external and party walls shall be increased four inches in thickness for every additional twenty-five feet in the width of said building.

Buildings over  
twenty-five feet  
in width with-  
out brick parti-  
tion walls.

SECTION 50. No building hereafter erected, except churches and grain elevators, shall exceed a height greater than eighty feet to the highest point from the level of the sidewalk, exclusive of chimneys and party walls above the roof, unless constructed throughout of incombustible material, excepting interior finish.

Buildings ex-  
ceeding eighty  
feet in height to  
be of incom-  
bustible  
material.

SECTION 51. Party walls of brick buildings to be used for dwelling, tenement or lodging houses, shall be of the same thickness for different heights as external walls of such buildings, but in no case less than twelve inches thick, except as provided in section forty-four.

Party walls to  
be of same  
thickness as  
external walls.

SECTION 52. Party walls of brick buildings to be used for other purposes than dwelling, tenement or lodging

Party walls of  
buildings other  
than dwelling,  
etc., houses.

houses, shall, when not exceeding forty feet in height, be sixteen inches thick to top of second floor, and twelve inches above; exceeding forty feet, and not exceeding sixty-five feet in height, twenty inches to the top of second floor, and sixteen inches above; exceeding sixty-five feet, and not exceeding eighty feet in height, twenty-four inches to the top of the first floor, twenty inches to the top of the third floor, and sixteen inches above; exceeding eighty, and not exceeding one hundred feet in height, twenty-four inches to the top of the third floor, twenty inches to the top of fifth floor, and sixteen inches above.

Flues, etc., in party walls to have not less than eight inch thickness at the back.

SECTION 53. No continuous vertical recess, chase or flue shall be made in any party wall so deep that it will leave the thickness at the back less than eight inches at any point, and no recess of any kind shall be made in any eight inch wall. No horizontal recess shall be made in any wall, except by a special permit from the inspector. No continuous vertical recess, other than flues, in stacks, shall be nearer than seven feet to any other recess.

Brick partition walls on which floor beams rest.

SECTION 54. All brick buildings to be used as dwelling, tenement or lodging houses, in excess of thirty feet in width shall have brick partition walls, not less than twelve inches thick, on which the floor beams shall rest, and said walls shall not be more than twenty-five feet apart.

Brick or stone partition walls from front to rear.

SECTION 55. Every brick building hereafter erected, more than thirty feet in width, except dwelling, tenement or lodging houses, public buildings, railroad stations and stables, shall have one or more brick or stone partition walls running from front to rear, and carried up to the full height of building; said wall or walls may be four inches less in thickness than is called for by the provisions relating to the thickness of external walls for a brick building, to be used for the same purpose, unless the wall is used for a floor bearing wall, which shall in no case be less than twelve inches; these walls shall be so located that the space between any two of the floor bearing walls of the building shall not be over twenty-five feet.

Girders or iron beams and columns.

SECTION 56. Girders or iron beams and columns may be substituted for partition walls in buildings not more than one hundred feet in width, and shall be made of sufficient strength to bear safely the weight which they are intended to support in addition to the weight of material

employed in their construction ; but where wooden columns or wooden girders are used the columns shall not be further apart than twelve feet.

SECTION 57. Walls may be made with a facing of stone or other approved material securely tied to a backing of not less than eight inches of hard brick work laid in mortar, by means of metal clamps ; but the thickness of facing and backing, taken together, shall not be less than the thickness required for a brick wall of the same height.

Walls with a facing of stone.

SECTION 58. No timber shall be used in any wall of any brick building except arch forms for interior arched openings.

No timber, except arch form, in any wall.

SECTION 59. All lintels used to support walls or other weights over openings, shall be of sufficient strength and bearing to carry the superimposed weights, and iron beams or lintels shall, when supported at the end by brick walls or brick piers, rest upon an iron plate at least two inches thick, the full size of the bearing, and where beams are not over six feet in length the plates may be omitted. All arches not having sufficient piers or abutments to resist the thrust of the superimposed loads shall have proper and sufficient iron ties.

Lintels used to support walls.

SECTION 60. No side wall of a brick building shall be carried up in advance of the rear wall.

Side wall not to be built before rear wall.

SECTION 61. All walls of a brick building meeting at an angle shall be anchored to each other, every ten feet in their height, by tie anchors, made of at least one and a quarter inch by three-eighths of an inch wrought iron, which shall be securely built into the side or partition walls not less than thirty-six inches ; and into the front and rear walls at least one-half the thickness of the front and rear walls.

Walls meeting at an angle to be anchored.

SECTION 62. All walls of a brick building on which the end of beams rest, shall be anchored at each tier of beams, at intervals of not more than ten feet apart, with good, strong wrought iron anchors, at least one-half inch by one and one-half inch, well built into the walls and fastened at the top of the beams ; and, where the beams are supported by girders, the ends of the beams resting on the girders shall be butted together, end to end, and strapped by wrought iron straps or tie irons, at the same distances apart, and in the same beams as the wall anchors, and shall be well fastened.

Walls on which end of beams rest to be anchored at each tier of beams.

Doorway, etc.,  
through party  
wall not to be  
made without  
permit.

SECTION 63. No opening or doorway shall be cut through a party wall of a brick building without a permit from the inspector; and every such doorway shall have top, bottom and sides of stone, brick or iron; shall be closed by two sets of wrought iron or metal-covered doors (separated by the thickness of the wall) hung to rabbeted iron frames, or to wooden frames entirely covered with metal, or to iron hinges in brick or stone rabbets; shall not exceed ten feet in height by eight feet in width; and any opening other than a doorway shall be protected in a manner satisfactory to the inspector.

Cornices to be  
anchored.

SECTION 64. All cornices other than brick on brick buildings shall be secured to the walls with iron anchors, independent of any wood work; the walls shall be carried up to the boarding of the roof, and where the cornice projects above the roof the wall shall be carried up to the top of the cornice and covered with metal, like parapet walls. All exterior cornices or gutters, more than forty-five feet above the level of the sidewalk, hereafter replaced, shall be constructed of or covered with some incombustible material.

Piers.

SECTION 65. All piers shall be built of the best quality of good, well burnt hard brick, laid in cement and sand mortar, and well wet when laid in warm weather.

Brick piers  
under lintels.

SECTION 66. Brick piers under lintels, girders or columns of brick buildings shall have a cap iron at least two inches thick, the full size of the pier.

Brick piers and  
buttresses to be  
bonded.

SECTION 67. Brick piers and buttresses shall be bonded with through courses, levelled and bedded, each course, and where their foundations rest upon piles, a sufficient number shall be driven to insure a proper support.

Metal column to  
rest on iron  
plate.

SECTION 68. Every metal column in a brick building shall rest on an iron plate of not less thickness than two inches. Wooden columns supporting girders and floors in such buildings shall set on inch and a half iron plates with sockets or counter sinkages.

Metal columns  
placed one on  
top of the other.

SECTION 69. Metal columns placed one on top of the other shall have a plate at the top of each column, with projections on both sides to fit into cap and base of columns, to prevent slipping, and all columns shall have holes bored, where directed by the inspector, into and through the shell at right angles to the shaft, so as to show the thickness of shell. All bearing parts of columns and plates shall be turned or planed to true surfaces.

SECTION 70. All chimneys shall hereafter be built of brick, stone or other incombustible material; shall be plastered on the outside below the roof after having been inspected, and shall have a footing of masonry, or iron supported by iron, or corbels of brick or stone. No chimney shall be hung to an eight inch wall, or bear or rest upon wood. No chimney corbelled from a wall shall project more than the thickness of the wall.

Chimneys.

SECTION 71. All brick flues shall hereafter be built of merchantable brick, thoroughly slushed and flush jointed, be smoothly plastered inside with mortar, from top to bottom below the roofing; be securely built into the brick work of the walls to which they are hung; shall be topped out at least four feet above the highest part of roof with brick or stone, and the topping out shall not have more than two inches projection, unless covered by a cap of approved incombustible material, properly secured; and in no case shall a nail be driven into the masonry of any flue.

Brick flues to be plastered inside.

SECTION 72. The shell of all flues for brick ranges, boilers, furnaces and ovens shall hereafter be of brick work, eight inches thick, or its equivalent, to a height of twenty-five feet above such ranges, boilers, furnaces or ovens.

Shell of flues for ranges.

SECTION 73. Ranges or boilers shall have the outside of the flue to the same exposed without covering, or if plastered shall be plastered on the outside directly upon the bricks, up to the ceiling of the room, and no wood-work shall be placed on the outside of the same.

Outside of flue, without covering.

SECTION 74. All floor timbers, headers and trimmers of every brick building hereafter erected or altered, in which a chimney is to be built in a brick wall, shall be placed distant at least two inches from the outside of every chimney flue, and the space between such timbers and the brick work of chimney shall be closed by a proper fire stop of incombustible material.

Floor timbers, etc., to be at least two inches from chimney flue.

SECTION 75. All hearths shall be supported by trimmer arches of brick or stone; or be of single stones at least six inches thick and supported entirely by iron beams, one end of which shall be securely built into masonry of chimney or adjoining wall. The brick jambs of every fire-place, range or grate opening, must be at least eight inches wide each, and the backs of such openings must be at least eight inches thick to at least two feet above such

Hearths, jambs of fire-places, etc.

openings. All such hearths and supports shall be at least twelve inches longer than the width of such openings, and at least eighteen inches wide in front of the chimney breast. The brick work over all fire place and grate openings shall be supported by proper iron bars or brick or stone arches.

If chimney is dangerous, owner or agent to be notified.

SECTION 76. If any chimney, flue or heating apparatus on any premises shall, in the opinion of the inspector, endanger the premises, the inspector shall at once notify in writing the owner or agent of said premises. If such owner or agent fails for a period of forty-eight hours after the service of said notice upon him to make such chimney, flue or heating apparatus safe, he shall be liable to a fine of not less than twenty nor more than fifty dollars for every day's continuance thereof, to be paid into the treasury of said city.

Smoke pipe entering a chimney flue.

SECTION 77. Every smoke pipe in a building entering a chimney flue shall be at least twelve inches from every wooden floor, ceiling or partition; shall be guarded by a soapstone ring not less than four inches in thickness, extending through the partition, or by a double metal collar, with an air space of not less than four inches around the same when running through any stud or wooden partition; and no smoke pipe shall project through any external wall or window.

Smoke pipe of furnace.

SECTION 78. The smoke pipe of every furnace shall be kept at least one foot distant from all beams and ceilings not protected by a shield of tin plate at least two inches distant from said beams or ceiling; and no smoke pipe shall be placed nearer than twelve inches to any beam or ceiling, unless the beam and ceiling are plastered, in which case the pipe may be kept within six inches of the plastering, if protected by the above described shield; and the top of all heating furnaces set in brick shall be covered with brick, supported by iron bars, and so constructed as to be perfectly tight; said covering to be in addition to and not less than six inches from the ordinary covering to the hot air chamber.

Location of range, etc., not to be changed.

SECTION 79. No furnace, and no range set in masonry shall hereafter be placed or its location changed in any building except as the inspector shall approve.

Heating furnace.

SECTION 80. The top of every heating furnace not set in brick shall be kept at least six inches below the beams or ceiling, with a shield of tin plate, made tight, sus-

pended not less than two inches below the said beams or ceiling, and extending one foot beyond the top of the furnace on all sides. If the ceiling over a furnace is plastered the top of the brick work may be kept within six inches of the ceiling.

SECTION 81. All hot air register boxes hereafter placed in the floors or partitions of buildings shall be set in soapstone borders not less than two inches in width, firmly set in plaster of Paris or gauged mortar, or such other protection as shall in the judgment of the inspector be equivalent to soapstone; shall be made of tin plate with a flange on the top to fit the groove in the soapstone, and shall have an open space of one inch on all sides, extending from the under side of the ceiling, below the register, to the soapstone in the floor or partition; the outside of said space covered with a casing of tin plate, tight on all sides, and extending from the under side of the aforesaid ceiling up to and turn under the said soapstone; register boxes of fifteen by twenty-five inches or more shall have a space of two inches.

Hot air register boxes.

SECTION 82. No wood work shall hereafter be placed nearer than one inch to any tin or other metal pipe, to be used to convey heated air or steam in any building, unless protected in a manner satisfactory to the inspector, and such wood work shall be protected by a soapstone or earthen ring or tube, or a metal casing.

Protection of wood work from hot pipes.

SECTION 83. Every building in which a steam boiler of ten or more horse power is placed shall have the space on the floor allotted for said boiler enclosed in incombustible material satisfactory to the inspector, and shall be so arranged that all openings between the said boiler room and the other parts of the building in which it is placed shall be protected by iron or metal covered doors, which shall be securely closed at the close of each day.

Steam boiler of ten horse power to be enclosed in incombustible material.

SECTION 84. Upon a license being granted for the erection of a steam boiler, engine or furnace for melting glass, or metal, in any building, the person or persons receiving such license shall, before setting, erecting or placing said boiler, engine, or furnace, obtain a permit therefor from the inspector, who shall prescribe such regulation for the setting or placing thereof as the public safety may require.

Regulations for placing or setting boiler to be prescribed by inspector.

SECTION 85. No boiler to be used for steam or motive power, and no furnace for melting glass or metal, shall

Boiler to be on cellar floor, except, etc.

be placed on any floor above the cellar or basement floor unless the same is set upon wrought iron beams and brick arches, and in no case without a permit from the inspector. All wood work and timbers shall be removed from the floor under the same.

Strength of floors.

SECTION 86. All floors shall be constructed to bear a safe weight, per superficial foot, exclusive of materials, as follows: For dwellings, tenements or lodging houses, one hundred pounds; for buildings for light mechanical purposes, and for public buildings, one hundred and fifty pounds; for storehouses, warehouses, machine shops, armories, drill rooms, and riding schools, not less than two hundred and fifty pounds. These requirements shall apply to all alterations, as well as to new buildings.

Timber for floors and roofs of brick buildings.

SECTION 87. All timber used in the construction of floors or roofs of brick buildings shall be straight grained and free from large and loose knots or weakening shakes.

Headers and tail beams.

SECTION 88. Every header more than four feet long, used in any building except a dwelling, shall be hung in stirrup irons, of suitable dimensions for the size of the timbers, and securely joint bolted. All tail beams shall be properly framed or hung to headers.

Ends of floor beams entering a wall.

SECTION 89. The ends of all floor beams and rafters of a brick building entering a wall shall be cut on a splay of three inches in their width.

Partitions to be placed over each other.

SECTION 90. All main partitions supporting in any manner floor beams or rafters of a brick building shall be placed directly over each other, shall rest on a wall or metallic girder, and shall head and foot against each other as far as practicable.

Cutting into timber for piping.

SECTION 91. No floor timber, header or trimmer of a brick building shall be cut into more than two inches in depth for piping, without permit from the inspector, and no cutting shall be made in any timber at a greater distance than three feet from its support.

Roof to be of incombustible material.

SECTION 92. The roof of every brick building hereafter built shall be covered with incombustible roofing material, shall be constructed not more than one story in height, nor more than twenty feet in height from the upper floor of the building upon which it is placed to the highest part of said roof, unless made of incombustible material throughout.

Scuttles and scuttle frames.

SECTION 93. All brick buildings, more than twenty feet in height, shall have scuttle frames not less than two

by three feet in size; and covers, or bulkheads and doors, on the roof, made of or covered with some incombustible material; and every scuttle shall have a stationary step ladder, and every bulkhead shall have stairs furnished with a sufficient guard or hand rail, all ready for use at all times, and in a tenement house such scuttle or bulkhead shall never be locked, but may be fastened by a hook on the inside.

SECTION 94. All the exterior parts of every brick building hereafter erected, which are more than forty-five feet above the level of the sidewalk, shall be made of or covered with incombustible material.

Outside of building forty-five feet in height.

SECTION 95. All brick buildings hereafter built to be used for warehouses, stores, storehouses, or manufactories, more than forty-five feet in height, shall have doors or shutters made of or covered with fireproof material on every window and entrance which does not open on a street more than twenty feet in width; and when such shutters or doors cannot be put on the outside of such door or window, they shall be put on the inside, and be hung upon an iron frame independent of the wood work of the window frame or door, or to iron hinges in rabbets in the masonry; and every such door or shutter shall be closed upon the completion of the business of each day, by the occupant having the use or control of the same; and all fireproof shutters that now are or may hereafter be put upon any building on the street fronts, shall be so constructed as to be closed and opened from the outside above the first story.

Doors and shutters of fire-proof material, on stores, etc.

SECTION 96. No cellar or basement cellar of any building shall be constructed below the grade of twelve feet above mean low water: *provided, however*, that the board of aldermen may, by license, subject to revocation at any time by them, authorize cellars or basement cellars to be constructed in buildings, no part of which is to be used as a dwelling, so much below said grade as they may designate in each license.

Cellar not to be below twelve feet grade.

SECTION 97. All buildings built upon filled or made land shall have a bed of concrete, of hydraulic cement and gravel, or tar and gravel, or asphalt, not less than two inches in thickness, spread over the cellar bottom, or shall be paved with brick laid in cement, throughout the whole extent of the building; and where there is a basement floor over the cellar bottom, there shall be an air space

Cellar under buildings on made land.

- between the concrete and said floor, unless the floor is planked directly upon the concrete. The air space shall be properly ventilated.
- Air space.**
- Drains.** SECTION 98. All buildings hereafter built shall have only iron drains within the buildings and extending five feet outside of the wall of the buildings; and where the said drain pipe passes through the wall there shall be a relieving arch, stone lintel, or iron pipe inserted to relieve said iron drain. All drains below cellar floor or grade twelve shall be laid with proper fall to sewer in a trench, the sides of which shall be walled with brick masonry, and the base in concrete, thoroughly rammed and graded, and made accessible by movable covers.
- Drain pipe hung to ceiling.** SECTION 99. All drain pipe hung to wall or ceiling shall be firmly hung.
- SECTION 100. The roof of every building shall be kept in good repair, and all rain water shall be so drained or conveyed therefrom as not to drip on the ground or cause dampness in the walls, yard or area.
- Water tight leaders.** SECTION 101. All brick buildings shall be kept provided with suitable water tight metallic leaders and all other buildings with water tight metallic or wooden leaders for conducting the water from the roof to the ground, and all water shall be conducted from a building or from land to the street, gutter or sewer in such a manner as not to flow upon the sidewalk.
- Fire belt or stop in furred brick walls.** SECTION 102. The insides of all furred brick walls of every brick building hereafter constructed shall have a fire belt or stop, composed of some fireproof material, at least six inches wide and thoroughly set up between furrings at the top and bottom of each story; and the whole area of every floor from wall to wall shall be deafened with plaster at least one inch thick, or two thicknesses of asbestos paper, or other incombustible material satisfactory to inspector, the same to be placed upon the under or rough flooring; and in each story, in which stud walls or partitions are constructed and rest on walls or other partitions, said stud walls and partitions shall have the spaces between the floor joists immediately under such walls or partitions, and between studs from the under side of said joists to a line six inches above the top of said joists, filled solid and flush with face of plastering on both sides with mortar, cement, plaster or other incombustible material; and if such studs or partitions shall
- Deafened with plaster or other incombustible material.**

rest on solid timber or joists for the whole length thereof, such filling as above described shall be placed from the top of such joists to the same height as above specified, or a strip of tin or galvanized iron, at least one inch wider than the width of said studding, and continuing under the footing of such walls or partitions, may be substituted for the filling above specified, where there is no partition or wall under. The spaces between stringers or carriages, and between floor joists of landings, of all wooden staircases, unless such stringers and joists are left exposed and uncovered, shall be pugged solid with mortar or other incombustible material, or the spaces between stringers shall be closed at intervals of three feet by substantial stops of incombustible material.

SECTION 103. The various forms of construction tending to create or form air passages from one story to another, such as spaces around pipes, ventilating shafts, or chimneys furred off to form breasts, in every brick building hereafter erected or altered, shall have a fire and smoke stop of incombustible material at each floor, approved by the inspector. All ventilation ducts shall be of incombustible materials.

Air passages  
from one floor  
to another.

Ventilation  
ducts.

SECTION 104. Upright supports of other material than brick, used below the grade of the street, and cast iron beams or girders or stone lintels, used for supports in every brick building, hereafter erected or altered, shall be protected by fireproof material.

Upright supports  
to be protected.

SECTION 105. Every building occupied above the second floor from the level of the street by two or more families, and every building occupied as a tenement, boarding or lodging house, factory, mill or manufactory, or for offices or workshops in which persons are employed above such second floor, and every school building more than two stories in height and accommodating, or having the means of accommodating, forty or more persons, shall be provided with such proper facilities for the escape of such persons in case of fire as the inspector may approve; and where fire escapes are required on the outside of a building, they shall be provided with suitable connections with the ground.

Fire escapes in  
boarding  
houses, factories,  
etc.

SECTION 106. Every building in which operatives are employed above the second story shall be provided with fire escapes approved by the inspector; and women or children shall not be employed in any building above the

Fire escapes  
where operatives  
are employed above  
the second  
story.

Fire escapes to be kept in repair.

May project over line of public street.  
Elevators.

Openings to elevators to be protected by rails.

To be covered with metal doors.

Subject to approval by inspector.

Buildings, etc., to be made safe or taken down.

second story, unless there are two or more means of exit provided. The owner of any building provided with a fire escape shall keep the fire escape in good repair. Stairs on the outside of the building shall have railed landings at each story above the first, and shall connect with each story of the building by doors or windows; and no person shall place any obstruction upon any fire escape. Fire escapes may project over the line of any public street, highway or causeway, when ordered by the inspector.

SECTION 107. All elevator cars and hoists, not including lifts twenty-eight inches square, and except those constructed in dwelling houses, shall run in shafts with brick walls not less than eight inches thick, or walls covered with incombustible material, with proper fire stops, or in the well room of a fireproof stairway enclosed in the same manner and carried up through the roof not less than one foot and six inches; said shafts to be covered with a ventilating skylight.

SECTION 108. The openings through or upon each floor of any building in which there is a hoist or an elevator car not running in a shaft, shall be protected by sufficient automatic rails or gates and trap doors, or such other mechanical devices as shall be equivalent thereto; and every elevator car and hoist shall be provided with some sufficient arrangement to prevent the falling of the car or hoist in case of any accident to the ropes, pulleys and other hoisting apparatus.

SECTION 109. The openings into every hoist shaft hereafter constructed, except shafts for passenger elevators, shall be furnished with metal or metal covered doors hung to rabbeted iron frames with iron thresholds to the same; said doors to be kept closed, when not in use, by springs of sufficient strength. Equivalent protection against fire may, in the case of passenger elevators, be substituted for such doors.

SECTION 110. No hoistway, elevator car or hoist shall be used in any building until approved by the inspector.

SECTION 111. The owner, or other party having an interest in any building, staging or other structure, or anything attached to or connected with a building or other structure, which shall be unsafe so as to endanger life, shall, immediately upon notice received from the inspector of buildings, cause the same to be made safe and secure, or taken down; and where the public safety

requires immediate action, the inspector may enter upon the premises with such assistants as may be necessary, and cause the said structure to be secured or taken down without delay, and the passers by to be protected at the expense of such owner or party interested. No staging or stand for observation purposes shall be constructed or occupied upon the roof of any building in said city.

SECTION 112. Every building which shall appear, to the inspector, to be specially dangerous in case of fire, by reason of bad condition of walls, overloaded floors, defective construction or other causes, shall be held to be unsafe; and the inspector, besides proceeding as provided in the preceding section, shall also affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of said building; and any person removing such notice so affixed shall be liable to a fine of not less than ten nor more than fifty dollars for each and every offence, to be paid into the treasury of said city.

Notice of dangerous character of a building to be posted on exterior wall.

SECTION 113. The owner, or party having an interest in the unsafe building or structure, mentioned in the two preceding sections, being notified thereof in writing by the inspector, shall forfeit and pay a fine to the use of said city, for every day's continuance thereof after such notice, a sum not less than ten nor more than fifty dollars, on complaint before any court of competent jurisdiction.

Owner liable to fine for neglect, etc.

SECTION 114. No explosive or inflammable compound or combustible material shall be stored or placed under any stairway of any building, or used in any such place or manner as to obstruct or render egress hazardous in case of fire.

Explosive, etc., material not to be placed under stairway.

SECTION 115. Any building that may be hereafter erected in an isolated position, and more than one hundred feet in depth, and which shall not have cross walls, shall be securely braced during construction, both inside and out, if practicable; or if outside bracing is not practicable, it shall be properly braced from the inside, and the braces shall be continued from the foundation upward to at least one-third the height of the building from the sidewalk level.

Building in an isolated position, more than one hundred feet in height, to be braced.

SECTION 116. Every public building hereafter erected, and every building hereafter altered to be used as a public building, in addition to all other provisions applicable to such buildings, shall have at least one frontage for its

Public buildings.

Entrances and exits.

entire height of at least one entire side of the auditorium and lobbies, passages and stairways of exit on that side, on a street, court, or open passage way fifteen feet or more wide, and at least two-thirds of the entire width of exits and entrances shall open on to such street, court or passage way; shall have the doors, halls, corridors, lobbies, stairways, passages and aisles, wide, direct, and so constructed and arranged as to afford easy egress for the occupants under all circumstances; and exits and entrances shall, as far as practicable, be identical; shall have all doors open outwards, and of the full width of the passages from which they open; shall have the passages of exit and stairways at least five feet wide and of an aggregate capacity in width of not less than twenty inches for each one hundred persons that said building may at any time contain. This provision to apply to the exits from each division, gallery or compartment of such building, as well as to the exterior openings; shall have the corridors, lobbies, stairways, passages and aisles of equal or increasing width, towards the exits, and without any projection into them within six feet of the floor; shall have the halls, corridors, doors, stairways, seats and aisles so arranged as to facilitate egress, and as the inspector may approve; and shall have all pipes and apparatus used in heating or lighting, and all lights, protected to the satisfaction of the inspector; and shall have such fire service and apparatus for the extinguishment of fire as the inspector may deem necessary. All exits from any public building shall be opened for the use of every departing audience.

Corridors and passageways.

Fire service.

Temporary seats prohibited.

SECTION 117. No temporary seats or other obstructions, shall be allowed in any aisle, passage way of exit or entrance, or stairway of a public building; and no persons shall be allowed to stand or remain therein while the building is in use.

Changes of level in floors.

SECTION 118. All changes of level in the floors of public buildings, except regular stairways, from story to story, and except the necessary steps in galleries and balconies, rising towards the exits, shall be made by inclines of no steeper gradient than two in ten within the auditorium, and rising towards the exits, and one in ten for all others.

Overheads to be protected.

SECTION 119. The overheads, immediately beneath the floors of the auditorium, lobbies, hall room, galleries, stairways, landings and corridors of public buildings shall

be protected by some incombustible material, such as wire lathing and plastering ; and the stair carriages and framing shall be pugged solid to line of treads, risers, and landing floors with some incombustible material.

SECTION 120. All partitions of public buildings enclosing the stairways, lobbies and corridors, or separating them from auditorium or ante rooms, shall be of brick masonry ; or of heavy studding, brick nogged throughout or otherwise made non-combustible. Partitions.

SECTION 121. All stairs and landings of public buildings shall have proper hand rails on both sides firmly secured to walls, or to strong posts and balusters throughout their entire length ; and wide stairways shall have one or more intermediate rails on strong vertical supports, as approved by inspector. Stairs and landings.

SECTION 122. The rise of stairs of public buildings shall not exceed seven and one-half inches, nor the going be less than ten and one-half inches. No winders less than seven inches wide at the narrowest end, or flights of less than three steps, shall be introduced, and there shall be a full landing to at least every fifteen steps. Rise of stairs.

SECTION 123. Every approach or exit of a public building, under or through any other building, shall have solid brick walls, and the floors and ceilings shall be of approved incombustible and fire resisting materials, and there shall be no openings through said walls, floors or ceilings. Winders.

SECTION 124. No boiler, furnace, engine or heating apparatus, except steam pipes and radiators, shall be located under the auditorium, nor under any passage or stairway of exit of a public building. Approach and exit to have solid brick walls.

SECTION 125. The lights for the rear of the auditorium, and for all passages and stairways of exit of every public building, shall be independent of the lights of the rest of the auditorium and platform, and shall be so arranged that they cannot be turned down or off from the platform. No boiler, etc., under auditorium.

SECTION 126. Every building hereafter built or altered, to be used as a theatre, for dramatic, operatic or other similar performances, involving the use of a fixed stage, with movable or shifting scenery, curtains and machinery, shall be a brick building, and be of fire resisting construction throughout, so far as the nature of its uses will permit, and in addition to all other provisions applicable to a public building, shall have the highest part of main floor Lights.

Theatres to be hereafter built or altered.

Height of main floor not more than seven feet above sidewalk.

Lobbies, walls and doors to be of incombustible materials.

Passageway from the auditorium to a street.

Stage to be separated from the auditorium by brick wall sixteen inches thick.

Wall over the curtain.

Roof trusses.

Finish around the curtain opening.

of auditorium not more than seven feet above the sidewalk of the open street, court, or passage way on which the main doors of exit shall be located; shall have at least two independent exits for each division, compartment or gallery of the auditorium; and for each gallery or division above the first floor shall have independent stairways, and such stairways and exits shall be located as far apart as practicable. The lobbies shall be separated from the auditorium by brick or other fire resisting walls; and all walls, floors, and landings of stairways, and all stairs shall be of incombustible materials; and all doors from auditorium to lobbies and stairways shall be of metal covered wood and self closing. There shall be lobbies adjoining each division of the auditorium sufficiently large to furnish standing room for all persons that such division may at any time contain.

SECTION 127. In addition to the exits herein before required for all public buildings, there shall be provided, if practicable, for every theatre, direct exits from the main floor of auditorium to a street, court or open passage way; and these exits shall be provided with such light doors or sashes, opening outwards, and secured only on the inside, as may readily be forced open in case of fire or panic.

SECTION 128. The stage of every theatre shall be separated from the auditorium by a brick wall sixteen inches thick, or its equivalent, which wall shall extend the entire width of the building, and from ground to roof, and from ground to stage floor, and be topped out as a party wall. There shall be no openings through this wall except the curtain opening, and not more than two others, to be located at the level of or below the stage; these latter openings shall not exceed twenty-one superficial feet each, and shall have tinued wood, self closing doors, securely hung to rabbets in the brick work.

SECTION 129. The wall over the curtain opening of every theatre shall be carried by a brick arch, or by an iron truss or girder; and if a truss or girder is used it shall be covered by materials non-conductive of heat, and a girder shall be spanned by a sufficient relieving arch of brick in cement.

SECTION 130. The roof trusses of every theatre shall be covered with incombustible material.

SECTION 131. The finish or decorative features around the curtain opening of every theatre shall be of incombustible materials, well secured to masonry.

SECTION 132. All scenery, curtains and exposed wood work of stage of every theatre shall be thoroughly covered or saturated, if practicable, with fire resisting material, approved by inspector.

Scenery and exposed wood work.

SECTION 133. The fixed portions of stage, fly floors, and tie floors of every theatre shall be of approved incombustible material, except that the flooring may be of wood.

Stage and floors.

SECTION 134. The under side of flooring of fly floors of every theatre shall be covered with approved incombustible materials, and the tie floors shall have an open flooring of slats, set their full width apart.

Underside flooring of fly floors.

SECTION 135. All scene docks, carpenter or property shops, and wardrobes of every theatre, shall be separated from stage, auditorium, and dressing room divisions by solid brick walls, not less than twelve inches thick, with no openings to the auditorium or dressing room divisions; and all openings to the stage shall have tinued wood, self closing doors, securely hung in rabbets in the brick work.

Scene docks, carpenter shops, etc.

SECTION 136. All rooms and premises in every theatre for the use or occupancy of persons employed therein shall be located in secure positions, and shall have at least two independent exits, as remote from the stage as practicable; and all parts of such rooms and premises, with their passages and stairways, shall be of fire resisting construction.

Rooms of employees.

SECTION 137. There shall be at least two two inch high service stand pipes on the stage of every theatre, with ample provision of hose and nozzles at each level of the stage on each side, and the water shall be kept turned on during the occupancy of the building. The said pipes shall have two gates, one above the other, with a proper test or waste valve; the lower gate to be kept open at all times except when testing the upper gate to ascertain if it is in order for use. The proscenium opening shall be provided with a two and one-half inch perforated iron pipe, so constructed that, in case of an emergency, it will form a complete water curtain for the entire proscenium opening, and there shall be such additional fire apparatus and perforated iron pipes or automatic sprinklers as the inspector shall direct. Said pipes shall be supplied with water by high pressure service, and be at all times ready for use.

Fire apparatus.

SECTION 138. There shall be one or more ventilators

Ventilators.

near the centre and above the highest portion of stage of every theatre, constructed of incombustible materials, and equal in combined area of opening to one-tenth of the area of stage floor. Said ventilators shall have valves or louvres so counterbalanced as to open automatically, and shall be kept closed when not in use, by cords or wires reaching to the prompter's desk, and readily operated therefrom. There shall also be a proper arrangement of combustible cords, or fusible connections to open the ventilating valves automatically, by the action of fire on the stage.

Fire resisting  
curtain re-  
enforced by wire  
netting.

SECTION 139. The proscenium or curtain opening of every theatre shall have a fire resisting curtain of incombustible material, re-enforced by wire netting, or otherwise strengthened; if of iron, or similar heavy material, and made to lower from the top, it shall be so contrived as to be stopped securely at a height of seven feet above the stage floor; the remaining opening being closed by a curtain or valance of fire resisting fabric as above. Such curtain shall be lowered at the beginning and end of each and every performance, and shall, in its material, construction and mechanism be approved by the inspector.

Tenements or  
lodging houses.

SECTION 140. Every brick building hereafter erected or altered, to be used for a tenement or lodging house, except those where there are not more than four families and having two separate stairways, shall have the stairways enclosed in brick walls not less than eight inches thick the entire height, and provided with a ventilating skylight so arranged with fire proof appliances that it may be operated from the lower hall in a manner satisfactory to the inspector, and the stairway side of said walls, if plastered, unless it is an outside wall, shall be plastered directly on the brick work, and no opening or aperture shall be made in said walls except the requisite doors for entrance thereto and external windows; and the whole area of stairway not occupied by well rooms on each floor shall be deafened as provided in section one hundred and two. Other better fire proof or fire resisting construction may be substituted for the wood framing and deafening and wire lathing and plastering by permission of inspector. Every such building, if to be occupied by more than four families above the first floor, shall have such additional staircases or means of egress as in the judgment of the inspector the safety of the occupants shall demand. If

such staircase partitions are to commence at a level above the cellar bottom, they may be erected upon iron girders, and properly protected from fire, and the floor within said walls at the level of the girders shall be entirely of incombustible material.

SECTION 141. The exterior walls of every building hereafter erected or altered to be used for a tenement or lodging house, on a street not more than twenty feet in width, shall not exceed thirty feet in height.

Exterior walls of lodging houses, etc.

SECTION 142. No building, of which any part is used for storage or sale of hay, straw, hemp, flax, shavings, burning fluid, turpentine, camphene or any inflammable oil, or other highly combustible substances, shall be occupied in any part as a dwelling, tenement or lodging house; except that rooms for coachmen or grooms may be allowed in connection with the private stables authorized by this act, by permission of inspector. All receptacles for ashes in any tenement or lodging house shall be enclosed with incombustible material satisfactory to inspector.

Building used for certain storage not to be used as a dwelling.

SECTION 143. Every tenement or lodging house shall have in the roof, at the top of the hall, a ventilator; shall also be provided with a fire escape, or means of escape in case of fire, both to be approved by the inspector; shall have in every room occupied as a sleeping room and which does not communicate directly with the external air, a ventilating or transom window, having an opening or area of three square feet over the door leading into and connected with the adjoining room, if such adjoining room communicates with the external air; and also a ventilating or transom window, of the same opening, in such other place as the inspector may direct, but no transom window shall be placed in a partition wall enclosing a main stairway; shall also have proper stairs, strong balusters, posts, railings, and kept in good repair.

Ventilators and fire escapes for tenements or lodging houses.

SECTION 144. All ordinances and parts of ordinances of said city now in force, relating to the building limits and the inspection and survey of buildings, shall remain in force until amended or repealed by said city, and all officers elected or appointed under the provisions of said ordinances or the acts repealed, shall continue to hold office for the terms for which they were elected or appointed and until their successors are elected or appointed in accordance with this act, unless sooner removed.

Ordinances to remain in force.

Officers to continue.

Provisions may  
be enforced in  
equity.

SECTION 145. Any court having equity jurisdiction, in term time or vacation, may, on the application of the inspector, by any suitable process or decree in equity, enforce the provisions of this act, and may, on such application, issue an injunction to restrain the use or occupation of any building or structure in the city of Boston, erected, altered, maintained or used in violation of this act.

Fines and  
penalties.

SECTION 146. Any person violating any provision of this act shall be punished by a fine not exceeding one hundred dollars, to be paid into the treasury of said city, unless another penalty is specifically provided herein.

Repeal.

SECTION 147. Chapter two hundred and eighty of the acts of the year eighteen hundred and seventy-one, chapters two hundred and sixty, and three hundred seventy-one, and three hundred and seventy-seven of the acts of the year eighteen hundred and seventy-two, chapters two hundred and ninety-eight, and three hundred and thirty-eight of the acts of the year eighteen hundred and seventy-three, chapters sixty-nine, and one hundred and seventy-six of the acts of the year eighteen hundred and seventy-six, chapters one hundred and one, and sections three, four and seven of chapter two hundred and fifty-two of the acts of the year eighteen hundred and eighty-two, and chapter one hundred and fifty-five of the acts of the year eighteen hundred and eighty-three are repealed.

SECTION 148. This act shall take effect upon its passage.  
*Approved June 19, 1885.*

## Chap.375

### AN ACT RELATING TO THE PENALTY FOR DRUNKENNESS.

*Be it enacted, etc., as follows:*

Penalty for  
drunkenness.

Section twenty-six of chapter two hundred and seven of the Public Statutes is amended by striking out the words "one dollar" in the fourth line and inserting in place thereof the words "five dollars" and by striking out the word "ten" in the last line and inserting in place thereof the word "thirty," so that the same shall read as follows: — *Section 26.* Whoever is guilty of drunkenness by the voluntary use of intoxicating liquor shall, if it is not proved that he or she has been convicted of a like offence once before within the next preceding twelve months, be punished by fine not exceeding five dollars and the costs of prosecution, or such portion thereof as the court or

trial justice may determine; and in case of non-payment of such fine and costs may be committed to the jail, house of industry, or house of correction, or to the workhouse, if there is any which has a criminal department, in the city or town where the offence was committed, until the fine and costs are paid; not however exceeding thirty days. County commissioners, except in Suffolk County, and in Suffolk County the board of directors for public institutions, may release persons committed to the jails, houses of correction or houses of industry of their several counties under this act for non-payment of fines and costs, when they are of opinion that such persons are not able to pay the same, or that it is otherwise expedient to so release them.

Prisoners may  
be released.

*Approved June 19, 1885.*

AN ACT TO PROVIDE FOR THE DISPOSITION OF LEGACIES DUE TO PERSONS WHOSE RESIDENCE IS UNKNOWN.

*Chap. 376*

*Be it enacted, etc., as follows:*

Whenever the residence of a person named as a legatee under the provisions of a will duly proved in the probate court is unknown, the court may, on being satisfied of said fact direct that the legacy due to such person be deposited or invested in the manner set forth in section sixteen of chapter one hundred and forty-four of the Public Statutes, and subject to the provisions thereof.

Legacies due to  
persons whose  
residence is  
unknown.

*Approved June 19, 1885.*

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO TAKE AND HOLD LAND, AND TO CONSTRUCT THEREON A COURT HOUSE FOR THE COUNTY OF SUFFOLK.

*Chap. 377*

*Be it enacted, etc., as follows:*

SECTION 1. The board of commissioners appointed by the mayor of said city, by virtue of an order of the city council of said city with reference to a court house, approved March fourth, eighteen hundred eighty-five, is hereby authorized to select and take in the name and behalf of said city, by purchase or otherwise, such land as may, in the judgment of said commissioners, subject to the approval of the mayor of the city of Boston, be requisite for the erection of a court house for the use of the courts of the Commonwealth within and for the county of Suffolk, and other purposes incidental thereto and for a court house yard for the same.

May take land  
for a court  
house.

To cause to be recorded in registry of deeds a description of the land taken.

SECTION 2. Said commissioners shall within thirty days after the approval of the mayor of the land selected by said commissioners file in the registry of deeds for Suffolk County and cause to be recorded a description of the lands so taken as certain as is required in a common conveyance of land, with a statement of the purpose for which it is taken; which description and statement shall be signed by said commissioners or a majority thereof, and the fee of the land so taken or purchased shall vest in the city of Boston. The city shall be liable to pay all damages that shall be sustained by any person or persons by reason of the taking of such land as aforesaid. Such damages to be ascertained and determined in the manner provided for ascertaining and determining damages in case of the laying out, altering or discontinuing of ways within the city of Boston.

To erect a suitable court house.

SECTION 3. It shall be the duty of the city of Boston, acting by and through the said commissioners, to erect within a reasonable time, upon the land so selected by them and taken or purchased by virtue of this act, a suitable court house for the use of the courts of the Commonwealth in and for the county of Suffolk, and for other purposes incidental thereto. But work upon the same shall not be commenced until full plans shall have been prepared, and after being duly advertised, proposals for doing the work shall have been received from responsible parties, and contracts have been entered into with satisfactory guaranties for their performance. And the said commissioners shall not expend or contract to expend more than twelve hundred thousand dollars in addition to the cost of the land, unless such excess of expenditure shall first have been authorized by the city council of Boston.

Vacancies to be filled by the mayor.

SECTION 4. Said board of commissioners shall remain in existence a sufficient time to accomplish the purposes of this act, and any vacancy occurring therein shall be filled by appointment of the mayor. Said board shall semi-annually, and whenever required by the mayor or city council, make and present in writing a particular report and a statement of all their acts and proceedings, and of the condition and progress of the work. They shall receive such compensation as may be fixed by the city council, and shall not be individually interested either directly or indirectly in the work directed by this act.

Semi-annual report.

SECTION 5. For the purpose of defraying all costs for land taken or purchased and for constructing said court house, and for other expenses legally incurred under this act, said city of Boston is authorized to issue its bonds or certificates of indebtedness, to be known as the "Suffolk County Court House Loan" to be payable at such time or times not exceeding fifty years in all, and at such rate of interest as the city council may determine. Said city may make payable annually a fixed proportion of the principal of said bonds or certificates. Said city shall annually raise by taxation the amount required to meet such interest, and the proportion of the principal payable annually. The sinking funds of any loans of said city may be invested in said bonds or certificates.

Suffolk County  
Court House  
Loan.

SECTION 6. Chapter one hundred and twenty-eight of the acts of the year eighteen hundred and eighty is hereby repealed, and all estates in land taken or appropriated for a court house thereunder are hereby revested in the city of Boston as though said act had not been passed.

Repeal, etc.

SECTION 7. This act shall take effect upon its passage.

*Approved June 19, 1885.*

AN ACT IN RELATION TO THE APPOINTMENT AND TENURE OF OFFICE  
OF THE CATTLE COMMISSIONERS. Chap. 378

*Be it enacted, etc., as follows:*

The governor, with the advice and consent of the council, shall appoint a board of cattle commissioners of not more than three members, whose term of office shall commence on the first day of October, eighteen hundred and eighty-five, and who shall hold office as follows:—One of said members for the term of three years, one for the term of two years, one for the term of one year, and thereafter one of said members shall be appointed annually for the term of three years. The compensation of such commissioners shall not exceed five dollars per day for actual service, in addition to their travelling expenses necessarily incurred. Any member of the board may be removed by the governor and council, and they may terminate the commissions of the entire board when in their judgment the public safety may permit. Vacancies in the board by the expirations of the terms of service or otherwise shall from time to time be filled by appointment by the governor with the consent of the council. The board of cattle commissioners as now constituted, shall cease to

Cattle commis-  
sioners to be  
appointed.

Compensation.

Removal from  
office.

exist on the thirtieth day of September, eighteen hundred and eighty-five, and the duties now devolving by law upon said board shall thereafter be performed by the board authorized by this act.

*Approved June 19, 1885.*

### Chap.379

#### AN ACT RELATING TO MEDICAL EXAMINERS.

*Be it enacted, etc., as follows :*

Salaries of  
medical exam-  
iners.

SECTION 1. Section nine of chapter twenty-six of the Public Statutes is amended to read as follows : — *Section 9.* In the county of Suffolk each medical examiner shall receive from the treasurer of the county, in full for all services performed by him, a salary of three thousand dollars a year, and the associate medical examiner a salary of five hundred dollars; but if the said associate medical examiner serves in any year more than two months, at the request of either medical examiner, he shall, for such service in excess of two months, be paid at the same rate as such medical examiner, and such compensation shall be deducted from the salary of the medical examiner in whose stead he serves. The medical examiners in other counties shall receive fees as follows : For a view without an autopsy, five dollars; for a view and autopsy, thirty dollars; and for travel, at the rate of ten cents a mile to and from the place of view.

Fees.

Allowance to  
physician pres-  
ent at autopsy.

SECTION 2. When a medical examiner deems it necessary to have a physician present at an autopsy as one of the witnesses, as provided in section eleven of chapter twenty-six of the Public Statutes, such physician shall be allowed five dollars for his services. Other witnesses required by law to be present at an autopsy shall be allowed two dollars each.

Return to be  
made to secre-  
tary of Com-  
monwealth.

SECTION 3. Every medical examiner shall, annually, on or before the first day of March, transmit to the secretary of the Commonwealth certified copies of the records of all deaths which have occurred during the year ending on the last day of the preceding December, the cause and manner of which he has investigated, in accordance with the requirements of chapter twenty-six of the Public Statutes : *provided, however*, if the term of office of any medical examiner shall end before the said last day of December, he shall send to the secretary of the Commonwealth, within the sixty days next ensuing upon the expiration of his commission as a medical examiner, certified copies of the records of all deaths officially investigated by him during that

Proviso.

part of the then current calendar year in which he continued in office.

SECTION 4. Each medical examiner shall be entitled to receive from the treasury of the Commonwealth, for recording and returning the facts relating to deaths as herein provided, twenty cents for each of the first twenty entries, and ten cents for each subsequent entry in any year, as certified by the secretary of the Commonwealth, and such allowance and payment shall be made to the medical examiners in Suffolk County for record and returns pursuant to this section, notwithstanding the limitation to the salary fixed by section nine of chapter twenty-six of the Public Statutes as amended by this act. Any medical examiner shall forfeit not less than ten nor more than fifty dollars for each refusal or neglect to fulfil the requirements of section three of this act.

Fees for record and return.

Penalty.

SECTION 5. The secretary shall, at the expense of the Commonwealth, prepare and furnish to the several medical examiners, blank books of suitable quality and size, to be used as books of record under this act, and blank forms for returns, on paper of uniform size.

Blank books of record to be furnished to examiners.

SECTION 6. The secretary shall cause the returns received by him for each year, in accordance with this act, to be bound together in one volume, with indexes thereto; he shall prepare or cause to be prepared from the said returns such tabular results as will render them of practical utility, and shall make report thereof annually to the general court in connection with the report of the registry and return of births, marriages and deaths required by section fifteen of chapter thirty-two of the Public Statutes.

Returns to be tabulated, etc.

SECTION 7. Every medical examiner shall forthwith file with the district attorney of his district, a report of each autopsy made by him and of his view and personal inquiry in such case under the provisions of chapter twenty-six of the Public Statutes; and shall certify in such report that, in his judgment, the cause and manner of death could not be ascertained by view and inquiry, and that an autopsy was necessary for that purpose. The district attorney shall examine such report, and if of the opinion that such autopsy was necessary shall, except in the county of Suffolk, so certify to the county commissioners, having jurisdiction over the place where the autopsy is held, and no fee for any autopsy shall be certified by the commissioners for payment until such cer-

To file with district attorney a report of each autopsy made.

tificate by the district attorney shall have been filed with said commissioners.

SECTION 8. This act shall take effect upon its passage.

*Approved June 19, 1885.*

**Chap.380** AN ACT TO SECURE GREATER CARE IN THE TRANSMISSION OF TELEGRAPHIC MESSAGES.

*Be it enacted, etc., as follows :*

Transmission of telegraphic messages.

SECTION 1. All persons, associations and corporations engaged in the business of transmitting or receiving telegraphic messages for hire shall be liable and responsible in each case for all damages up to the amount of one hundred dollars actually caused by their negligence, or that of their servants or agents, in transmitting, receiving or delivering such messages, and any limit of such liability or responsibility by contract or regulation, shall be valid and binding only for the excess of such damages in each case above said sum of one hundred dollars.

Liability for damages.

SECTION 2. No action for the recovery of such damages shall be maintained unless a claim therefor is presented in writing to such person, association or corporation, or to some officer or agent thereof, within sixty days from the time when such right of action accrues.

No action to be maintained unless claim is made within thirty days.

SECTION 3. The provisions of this act shall not apply to any negligence occurring in a telegraph office established for the convenience and safety of a railroad corporation in the running of its trains, and transacting a public telegraph business only as incidental thereto, nor to any negligence in the delivery of messages received at any such office.

Not to apply to telegraph of a railroad corporation.

*Approved June 19, 1885.*

**Chap.381** AN ACT TO INCORPORATE THE READING WATER COMPANY.

*Be it enacted, etc., as follows :*

Reading Water Company incorporated.

SECTION 1. Charles F. Brown, Fred W. Hatch, Albert D. Bosson, and their associates and successors, are hereby made a corporation by the name of the Reading Water Company, for the purpose of furnishing the inhabitants of the town of Reading with water for the extinguishment of fires, and for domestic and other purposes ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

SECTION 2. The said corporation, for the purposes aforesaid, may take, by purchase or otherwise, and hold the water of any springs, or artesian wells in the town of Reading, and the water rights connected with any such water sources, and any water procured from any other source under the authority of this act, and also all lands, rights of way and easements, necessary for holding and preserving such water, and for conveying the same to any part of said town; and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures; and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads, or public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

May take water of springs, etc., in the town of Reading.

SECTION 3. The said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded, in the registry of deeds for the county and district within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

To cause to be recorded in the registry of deeds a description of land, etc., taken.

SECTION 4. The said corporation shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on

Liability for damages.

Application for damages not to be made until water is actually diverted.

May distribute water and fix and collect rates.

Real estate and capital stock.

May contract with Wakefield Water Co.

Proviso.

Penalty for corrupting or diverting water.

application at any time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

SECTION 5. The said corporation may distribute the water through said town of Reading, may regulate the use of said water, and fix and collect rates to be paid for the use of the same; and may make such contracts with said town, or with any fire district that is or may hereafter be established therein, or with any individual or corporation, to supply water for the extinguishing of fire or for other purposes, as may be agreed upon by said town, or such fire district, individual or corporation, and said corporation.

SECTION 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount fifty thousand dollars; and the whole capital stock of said corporation shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each.

SECTION 7. The said corporation may contract with the Wakefield Water Company for a supply of water necessary for the purposes of this act, on such terms as may be agreed upon between said corporations; and said Wakefield Water Company is authorized to contract for and furnish, from its water supply, water to said Reading Water Company, and to make the necessary connections of its conduits or pipes with the conduits or pipes of the Reading Water Company: *provided*, that nothing herein contained shall be construed to compel the said Wakefield Water Company to make such connections or to furnish said water.

SECTION 8. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and

upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

SECTION 9. The said corporation may issue bonds, bearing interest at a rate not exceeding six per cent. per annum and secure the same by a mortgage on its franchise and other property to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

May issue bonds.

SECTION 10. The said town of Reading shall have the right at any time to purchase of said corporation its franchise, corporate property, and all its rights, powers and privileges at a price which may be mutually agreed upon, and may have a like right to purchase their interest from the mortgagees after foreclosure of any mortgage authorized by section nine of this act; and said corporation is authorized to make sale of the same to said town. If said corporation or said mortgagees, as the case may be, and said town, are unable to agree, then the compensation to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court upon application of said town, and notice to the other party, whose award, when accepted by said court, shall be binding upon all parties. If said corporation shall have issued bonds under the provisions of section nine and the mortgage shall not have been foreclosed, and the compensation to be paid shall be determined by commissioners as aforesaid, such commissioners shall find the value of such franchise, corporate property, rights, powers and privileges, as it the same were unencumbered, and the mortgagees shall be entitled to be heard before such commissioners as to such value; and if the value so found shall exceed the amount of such mortgage debt, said town shall acquire such franchise, property, rights, powers and privileges by paying said corporation such excess, and shall assume said mortgage debt, as part of the water loan authorized by section eleven; but if the value so found should be less than the amount of such mortgage debt, then said town shall acquire such franchise, property, rights, powers and privileges of said corporation, and also the interest of said mortgagees, by paying said mortgagees the amount of the value so found, and such mortgage shall thereby be discharged; and said town shall thereupon hold and possess such franchise and all said corporate property, rights,

Town of Reading may purchase franchise and property.

Compensation to be determined by commissioners if parties fail to agree.

Subject to  
assent by a two-  
thirds vote.

Reading Water  
Loan not to  
exceed \$100,000,

Sinking fund.

May make  
annual propor-  
tionate pay-  
ments instead of  
establishing  
sinking fund.

Return required  
to state amount  
of sinking fund,  
etc.

powers and privileges unencumbered and discharged from any trust. The right to purchase as aforesaid is granted on condition that the same be authorized by a two-thirds vote of the voters of said town present and voting thereon at a meeting called for that purpose.

SECTION 11. The said town may, for the purpose of paying the cost of said franchise and corporate property, and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time, bonds, notes or scrip, to an amount not exceeding, in the aggregate, one hundred thousand dollars; such bonds, notes and scrip shall bear on their face the words "Reading Water Loan"; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually, at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town, and countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said town shall provide at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

SECTION 12. The said town, instead of establishing a sinking fund, may, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed, the amount required thereby shall, without further vote, be assessed by the assessors of said town in each year thereafter, until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

SECTION 13. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whether action has been taken in accordance with the provisions of the preceding sec-

tion, and the amounts raised and applied thereunder for the current year.

SECTION 14. The said town shall raise annually, by taxation, a sum which with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works, and the interest as it accrues, on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

To raise annually by taxation sufficient to pay current expenses and interest.

SECTION 15. The said town shall, after its purchase of said franchise and corporate property, as provided in this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town by this act, and not otherwise specifically provided for shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as said town may impose by its vote; the said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

Water commissioners.

To be trustees of the sinking fund.

Vacancies.

SECTION 16. The county commissioners for the county within which any land, water or water rights taken under this act is situated, shall, upon application of the owner thereof, require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but previous to requiring such security the county commissioners shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking, and the county commissioners shall in like manner require further security, if at any time the security before required appears to

Security for payment of damages may be required.

them to have become insufficient; and all the right or authority of said corporation to enter upon or use such land or other property, except for making surveys, shall be suspended until it gives the security so required.

Work to commence within three years.

SECTION 17. This act shall take effect upon its passage, but shall become void unless work under this act is commenced within three years from the date of its passage.

*Approved June 19, 1885.*

*Chap.* 382 AN ACT IN RELATION TO THE PRESERVATION OF HEALTH IN BUILDINGS IN THE CITY OF BOSTON.

*Be it enacted, etc., as follows:*

Dwelling, etc., houses to be furnished with good and sufficient water closets.

SECTION 1. Every building in the city of Boston used as a dwelling, tenement or lodging house, or where persons are employed, shall have at all times such number of good and sufficient water closets, earth closets or privies as the board of health of said city may determine, but the occupants of any two or more of any such buildings may use such closets or privies in common, provided the access is easy and direct; and said board shall not require more than one such closet or privy for every twenty persons.

Cesspools subject to control of board of health.

SECTION 2. Every such building situated on a street in which there is a sewer, shall have water closets, and shall not have a cesspool or privy connected with it, except where, in the opinion of the board of health, it can be allowed to remain for a longer time, and then only as said board shall approve.

Tenement or lodging house.

SECTION 3. No building in the city of Boston shall be converted into, or used for a tenement or lodging house, unless, in addition to the other requirements of law, it conforms to the provisions of this act.

Meaning of terms used in this act.

SECTION 4. In this act the following terms shall have the meanings respectively assigned to them, viz.:—

“Cellar” means a basement or lower story of any building of which one-half or more of the height from the floor to the ceiling is below the level of the street adjoining.

“Inspector” means inspector of buildings of the city of Boston.

“Lodging house” means a building in which persons are temporarily accommodated with sleeping apartments, and includes hotels.

“Tenement house” means a building which, or any

portion of which, is to be occupied, or is occupied as the residence of more than three families living independently of one another, and doing their cooking upon the premises; or by more than two families upon any floor above the second floor, so living and cooking.

SECTION 5. Every tenement or lodging house shall have the yard or area so connected with a sewer that all water and liquid filth will freely flow from it to the sewer, or, if there is no sewer, to the street gutter, by means of a passage under the sidewalk covering, so constructed as to be easily accessible to remove obstructions.

Yards or areas so constructed that water, etc., will freely flow therefrom.

SECTION 6. If a building to be used for a tenement or lodging house is on the front of any lot where there is another building on the rear of the same lot, there shall be clear, open space, exclusively belonging to the front building, and extending upwards from the ground, of at least ten feet between said buildings, if they are one story high above the level of the ground. If they are two stories high, the distance between them shall not be less than fifteen feet; if they are three stories high, the distance between them shall be not less than twenty feet; and if they are more than three stories high, the distance between them shall be not less than twenty-five feet.

Clear, open space in the rear, if building is on the front of lot.

SECTION 7. If such building is on the back part of any lot, there shall be a clear, open space of at least ten feet between such building and every other building in its rear. But when thorough ventilation of such open spaces can be otherwise secured said distances may be lessened or modified, in special cases, by a permit from the board of health and the inspector.

Space in rear of building on the back part of lot.

SECTION 8. Every habitable room of such building not now used but hereafter used as a tenement or lodging house shall be, in every part, not less than eight feet in height from the floor to the ceiling, except in the attic, and shall be at least eight feet in height from the floor to the ceiling throughout not less than one-half the area of such room; and every such room shall have at least one window connecting with the external air, or over the door a suitable ventilator connecting with a room or hall which has a connection with the external air.

Height of rooms.

SECTION 9. The total area of window communicating with the external air, in every room of such building, shall be equal to at least one-tenth of the superficial area of the room; and the top of one at least of such windows

Area of window communicating with the external air.

shall be not less than seven feet six inches above the floor, and the upper half of each window shall be so made as to open for the purposes of ventilation.

Area of room.

SECTION 10. Every habitable room of such building, of area less than one hundred superficial feet, which does not communicate directly with the external air, and is without an open fireplace, shall be provided with special means of ventilation, approved by the board of health and the said inspector.

Chimneys with open fire places or place for a stove.

SECTION 11. Every such building shall have adequate chimneys running through every floor, with an open fireplace or grate, or place for a stove, properly connected with one of said chimneys, for every family and set of apartments; shall have proper conveniences and non-combustible receptacles for ashes and rubbish; shall have water furnished at one or more places in such house, or in the yard thereof, so that the same may be adequate and reasonably convenient for the use of the occupants thereof; and shall have the floor of the cellar properly cemented, so as to be water tight.

Water supply.

Receptacles for garbage.

SECTION 12. Every such building used for a tenement or lodging house shall have suitable receptacles for garbage and other refuse matters, and shall not be used as a place of storage for any combustible article, or any article dangerous to life or detrimental to health; nor shall any horse, cow, calf, swine, pig, sheep or goat be kept in said building.

Building, etc., to be kept clean.

SECTION 13. Every such building, and the yard, court, passage, area and alleys belonging to the same, shall be kept clean and free from any accumulation of dirt, filth, garbage or other refuse matter, to the satisfaction of the board of health.

Tenant to cleanse the rooms, etc.

SECTION 14. The tenant of any lodging house or tenement house shall thoroughly cleanse all the rooms, floors, windows and doors of the house, or part of the house, of which he is the tenant, to the satisfaction of the board of health; and the owner or lessee shall well and sufficiently, to the satisfaction of said board, whitewash or otherwise cleanse the walls and ceilings thereof once at least in every year in the months of April or May, and have the privies, drains and cesspools kept in good order and the passages and stairs kept clean and in good condition.

Owner to white-wash the walls.

Notice to be given of infectious disease.

SECTION 15. The owner, agent of the owner, and keeper of any lodging or tenement house, or part thereof,

shall, when any person in such house is sick of fever, or of any infectious, pestilential or contagious disease, and such sickness is known to such owner, agent or keeper, give immediate notice thereof to the board of health, and thereupon said board shall cause the same to be inspected, and cleansed or disinfected at the expense of the owner, in such manner as they may deem necessary; and may also cause the blankets, bedding and bedclothes used by any such person to be thoroughly cleansed, scoured and fumigated, and, in extreme cases, to be destroyed.

SECTION 16. The halls on each floor of every such building shall open directly to the external air, with suitable windows, and shall have no room or other obstructions at the end, unless sufficient light and ventilation is otherwise provided for said halls in a manner approved by the board of health.

Halls on each floor to open directly to the external air.

SECTION 17. No person shall, without a permit from the board of health, let or occupy, or suffer to be occupied, separately as a dwelling or place of lodging and sleeping, any cellar or underground room whatsoever, unless the same be in every part thereof at least seven feet in height, measured from the floor to the ceiling thereof; nor unless the same shall have been so let or occupied before the passage of this act, nor unless the same be for at least one foot of its height above the surface of the street or ground adjoining, or nearest to the same; nor unless there be, outside of and adjoining the said vault, cellar or room, and extending along the entire frontage thereof, and upwards from six inches below the level of the floor thereof, up to the surface of the said street or ground, an open space of at least two feet and six inches wide in every part; nor unless the same be well and effectually drained by means of a drain, the uppermost part of which is one foot at least below the level of the floor of such vault, cellar or room; nor unless there is a clear space of not less than one foot below the level of the floor, except where the same is cemented; nor unless there be appurtenant to such vault, cellar or room the use of a water closet or privy, kept and provided as in this act required, nor unless the same have an external window opening of at least nine superficial feet clear of the sash frame, in which window opening there shall be fitted a frame filled in with glazed sashes, at least four and a half superficial feet of which shall be made so as to

Cellar or underground room not to be used as a dwelling, etc.

Provisos.

open for the purpose of ventilation: *provided, however*, that in case of an inner or back vault, cellar or room, let or occupied along with a front vault, cellar or room, as a part of the same letting or occupation, it shall be a sufficient compliance with the provisions of this act if the front room is provided with a window as herein before provided, and if the said back vault, cellar or room is connected with the front vault, cellar or room, by a door, and also by a proper ventilating or transom window, and, where practicable, also connected by a proper ventilating or transom window, or by some hall or passage, with the external air; *provided, further*, that in any area adjoining a vault, cellar or underground room, there may be steps necessary for access to such vault, cellar or room, if the same be so placed as not to be over, across or opposite to said external window, and so as to allow between every part of such steps and the external wall of such vault, cellar or room, a clear space of six inches at least, and if the rise of said steps is open, *and provided, further*, that over or across any such area there may be steps necessary for access to any building above the vault, cellar or room, to which such area adjoins, if the same be so placed as not to be over, across or opposite to any such external window.

Board of health  
may make other  
regulations as to  
cellars.

SECTION 18. The board of health shall have authority to make such other regulations as to cellars, and the ventilation and overcrowding of tenement and lodging houses and buildings where persons are employed, as they deem necessary, subject, however, to the laws relating to building in the city of Boston.

Name of owner,  
agent, etc., to be  
posted on wall  
of tenement  
house.

SECTION 19. Every owner and agent, or person having charge, of a tenement or lodging house shall leave his address with the board of health, and shall have legibly posted on the wall or in the entry of such tenement or lodging house the name and address of such owner and of the agent or person having charge of the same; and service upon parties whose address is out of the city, of any papers or notices required by this act, or any act relating to the preservation of health, or by any proceedings to enforce any of their provisions, shall be sufficient, if made by sending a copy of such paper or notice through the mail to the address of the person or persons so designated as owner, agent or person having charge of such tenement or lodging house; and service upon parties whose address is in the city, by leaving such copy at said address.

SECTION 20. Every officer of the board of health, and every officer upon whom any duty or authority is conferred, shall have free access to every part of any lodging or tenement house, when required, in the proper execution of the duties of his office.

Officers to have free access to building.

SECTION 21. Any court having equity jurisdiction, in term time or vacation, may, on the application of the board of health, by any suitable process or decree in equity, enforce the provisions of this act, and may, on such application; issue an injunction to restrain the use or occupation of any building or structure in the city of Boston, erected, altered or used in violation of this act.

Provisions may be enforced in equity.

SECTION 22. Any person violating any provision of this act shall be punished by a fine not exceeding one hundred dollars, or by confinement in the house of correction not exceeding sixty days, unless another penalty is specifically provided herein.

Fines and penalties.

SECTION 23. Every member of said board of health, and every inspector acting under said board shall, before entering upon the duties of his office take and subscribe an oath before the city clerk of said city that he will faithfully and impartially discharge such duties, and the city clerk shall make and keep a record of such oath. Every member of said board and every such inspector who enters upon or discharges such duties without having taken and subscribed such oath shall be liable to a penalty of one hundred dollars, but such omission shall not render invalid any act or proceeding of said board.

Officers to be sworn.

Penalty.

SECTION 24. This act shall take effect upon its passage.

*Approved June 19, 1885.*

AN ACT MAKING APPROPRIATIONS FOR REPAIRS AT THE STATE PRISON, FOR RENT FOR ACCOMMODATIONS FOR CERTAIN COMMISSIONS, AND FOR OTHER MISCELLANEOUS EXPENSES AUTHORIZED BY THE PRESENT LEGISLATURE.

*Chap. 383*

*Be it enacted, etc., as follows :*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, to wit : — For certain repairs at the state prison at Charlestown, a sum not exceeding twenty thousand dollars as authorized by a resolve of the present year. For the widow of the late James F. Davenport, the sum of six

Appropriations.

Repairs at state prison.

Widow of James F. Davenport.

hundred and sixty-one dollars, as authorized by a resolve of the present year. For the payment of rent for suitable accommodations for certain commissions to be provided outside the Commonwealth building and state house as authorized by a resolve of the present year, a sum not exceeding three thousand five hundred dollars. For the town of Cottage City, the sum of four hundred and eighty-two dollars and three cents, as authorized by a resolve of the present year. For the widow of the late Thomas Plunkett, the sum of five hundred and seventy dollars as authorized by a resolve of the present year. For certain extra repairs to the state house, a sum not exceeding five thousand five hundred dollars as authorized by a resolve of the present year. For Charles Albert Prince, one hundred and twenty dollars, being for one month's service as a member of the house of representatives, in accordance with an order of the house adopted June nineteenth of the present year.

SECTION 2. This act shall take effect upon its passage.

*Approved June 19, 1885.*

**Chap. 384** AN ACT RELATING TO RETURN DAYS AND TO PRACTICE IN THE SUPREME JUDICIAL AND SUPERIOR COURTS.

*Be it enacted, etc., as follows:*

SECTION 1. The first Monday of every month shall be a return day in every county for writs, processes, notices to appear and citations in all actions, suits and other civil proceedings in the supreme judicial and superior courts respectively, and such writs, processes, notices and citations may be made returnable at the option of the party issuing or taking out the same at any such return day within three months after the date thereof. The return days heretofore established shall not hereafter be return days for any of such writs, processes, notices or citations, except those issued before the first day of September, eighteen hundred and eighty-five, which may be made returnable as if this act had not been passed. All writs, processes, notices and citations in the supreme judicial court for the counties of Dukes County and Nantucket shall be returnable in the county of Bristol. Nothing contained in this section shall affect any power of either court to make any writs, processes, notices or citations returnable at other times.

SECTION 2. The courts respectively shall be always open in every county and there shall no longer be any terms thereof. Any business of the courts or of the justices thereof respectively may be transacted at any time; but no such business shall be transacted on Sunday, except in respect of such applications as, in the opinion of the court or justice to whom the same may be made, shall be of pressing necessity. Sittings of the courts respectively shall be held as heretofore at the times and places appointed by the laws now in force for holding terms of the courts.

Courts to be  
always open.

Sittings of the  
courts to be as  
heretofore.

SECTION 3. The courts and the justices thereof respectively may in any county transact any business of such courts, and direct any order, judgment or decree to be entered in an action, suit or proceeding pending in the same court in another county.

Courts may in  
any county  
direct judgment,  
etc., to be en-  
tered in another  
county.

SECTION 4. Whenever the terms of the courts respectively are referred to in any statute of this state for any purpose not otherwise herein provided for, such terms shall for the purposes of such statute be considered as commencing on the day appointed by law for the commencement of the regular sittings of the court and as ending on the day preceding the next such sittings.

When terms are  
referred to in  
any statute not  
otherwise herein  
provided for.

SECTION 5. Appeals and actions removed from municipal, police and district courts and trial justices to the superior court, shall be entered at the return day next after the appeal is taken or the removal requested. And appeals from the decisions of commissioners or of probate courts upon claims against estates of deceased persons represented insolvent, and from decisions of courts of insolvency upon claims against estates in insolvency, or upon the question of granting a discharge, and appeals under section fifteen of chapter one hundred and eighty-nine of the Public Statutes, shall be entered in the court appealed to at the return day, instead of at the term next after the periods of time specified in the statutes prescribing when such appeals shall be entered respectively, and where a statement of claim is required it shall be filed at such return day, and the provisions of bonds and recognizances in any of the said cases shall be altered accordingly. In sections nine, ten and twelve of chapter eighty-five, and section twenty-seven of chapter one hundred and sixty-one of the Public Statutes the word "term" shall be taken to mean "return day": *provided*,

Entry of  
appeals, etc.,  
from district,  
etc., courts.

Provido.

that nothing contained in this act shall affect the time appointed in any of these cases for doing any act, where the appeal is claimed or taken or the removal requested, or the bond or default mentioned in any of the said sections is required or made before this act takes effect.

Amendment to  
P. S. 167, § 9.

SECTION 6. Section nine of chapter one hundred and sixty-seven of the Public Statutes is amended so as to read as follows: — If no declaration has been inserted in the writ or filed pursuant to the preceding section, the action may at any time, upon motion, be dismissed with costs, but the court may at any time before such dismissal, in its discretion, allow the plaintiff to file his declaration upon such terms, if any, as it shall think fit.

Default.

SECTION 7. If a defendant in an action at law in either of the courts respectively, being duly served with process does not enter an appearance in writing within ten days from the return day of the writ, a default shall be entered against him, but the court may in any case for good cause extend the time for entering an appearance.

Amendment to  
P. S. 164, § 7.

SECTION 8. Section seven of chapter one hundred and sixty-four of the Public Statutes is amended so as to read as follows: — If after such notice in either case, the defendant does not appear within ten days after the day specified in such notice for his appearance, a default shall be entered, and judgment thereon may be rendered against him.

Amendment to  
P. S. 183, § 10.

SECTION 9. Section ten of chapter one hundred and eighty-three of the Public Statutes is amended so as to read as follows: — Every person summoned as trustee in the supreme judicial or superior court shall appear and file his answer within ten days after the return day of the writ, unless the court for good cause allows further time therefor.

Default may be  
removed at any  
time before  
judgment.

SECTION 10. The courts respectively, in their discretion, and upon such terms, if any, as they may think fit, may at any time before judgment strike out a default.

Judgment may  
be entered by  
clerk four days  
after default.

SECTION 11. At any time after a default has been entered against the defendant in an action at law in either of the courts, the plaintiff may after four days have judgment entered as of course by the clerk without any further order.

Courts may  
make rules con-  
cerning entry of  
judgment by  
clerk.

SECTION 12. The courts respectively may make general rules authorizing or directing in such manner and subject to such provisions as they may think proper the entry of judgment by the clerk without any further order

in all or any of the cases in which judgment may accord-  
ing to the present practice be entered under a general  
order or at the end of a term as of course.

SECTION 13. Every judgment, order or decree of the  
courts respectively shall bear date of the day of the month  
and the year when the same is entered, but the court may,  
in its discretion, when justice requires it, enter the same  
as of a previous day.

Date of entry of  
judgment.

SECTION 14. The time within which an application or  
affidavit may be made for the removal of an action or  
petition by virtue of section eight of chapter one hundred  
and fifty-two, section ten of chapter one hundred and  
sixty-one, or section thirteen of chapter one hundred and  
seventy-eight, of the Public Statutes, shall be thirty days  
after the day for appearance, instead of the time specified  
therefor in the said sections respectively.

Time within  
which applica-  
tion for removal  
of actions, shall  
be thirty days.

SECTION 15. Sections forty-six and forty-seven of  
chapter one hundred and sixty-seven of the Public Stat-  
utes are repealed.

Repeal of P. S.  
167, §§ 46, 47.

SECTION 16. Nothing contained in this act shall apply  
to any criminal business of the superior court nor be con-  
strued to affect clerks' fees or taxable costs in civil cases.

Not to apply to  
criminal busi-  
ness in superior  
court, etc.

SECTION 17. This act shall take effect on the first day  
of September, eighteen hundred and eighty-five.

To take effect  
Sept. 1, 1885.

*Approved June 19, 1885.*

#### AN ACT PROVIDING FOR THE CARE OF CERTAIN INSANE PERSONS.

#### *Chap. 385*

*Be it enacted, etc., as follows:*

SECTION 1. The state board of health, lunacy and  
charity is hereby authorized to place at board where they  
may deem it expedient, and in suitable families through-  
out the Commonwealth, insane persons of the chronic and  
quiet class; and the cost of boarding such insane persons  
having no settlement in this Commonwealth shall be paid  
from the appropriation for the support of state paupers in  
lunatic hospitals; but the rate paid for their board shall  
not exceed the rate now paid in the state lunatic hos-  
pitals.

Insane persons  
may be placed at  
board in fami-  
lies.

SECTION 2. Bills for the support of such insane persons  
boarded in families at the expense of the state shall be  
payable quarterly, and shall be audited by the state board  
of health, lunacy and charity, which shall present at the  
end of each quarter commencing January, April, July and  
October, a schedule of all such bills incurred during the

Payments for  
support to be  
made quarterly.

quarter; and registers shall be kept by said board in such form that the auditor of accounts shall be able to verify such schedules; and for the present year all such bills shall be paid from the appropriation made in chapter nine of the acts of eighteen hundred and eighty-five for the support of state paupers in lunatic hospitals.

To be visited at least once in three months.

SECTION 3. It shall be the duty of the board of health, lunacy and charity to cause all insane persons who are boarded in families at the expense of the Commonwealth, to be visited at least once in three months; and all insane persons who are boarded in families at the expense of towns and cities, and whose residence is made known to said board, shall be visited in like manner at least once in six months by some agent of the board of health, lunacy and charity.

Boarding place to be changed if persons are neglected, etc.

SECTION 4. Said board shall be required to remove to a lunatic hospital or to some better boarding place, all state paupers who upon visitation are found to be abused, neglected or improperly cared for when boarded under the authority of this act; and it may also remove to a lunatic hospital any insane person boarded at the expense of a city or town, who shall be found unsuitably provided with a boarding place.

SECTION 5. This act shall take effect upon its passage.

*Approved June 19, 1885.*

## Chap. 386

AN ACT MAKING FURTHER APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, to wit:—

Elevators at state house.

For providing elevators for the state house, a sum not exceeding thirteen thousand dollars, as authorized by a resolve of the present year.

Boilers, etc., at state prison.

For new boilers and a new boiler house at the state prison, a sum not exceeding eight thousand dollars, as authorized by a resolve of the present year.

Records in department of secretary of the Commonwealth.

For expenses in connection with the records, files, papers and documents in the department of the secretary of the Commonwealth, a sum not exceeding two thousand five hundred dollars, as authorized by an act of the present year.

For blank books and blanks to be furnished medical examiners by the secretary of the Commonwealth, as authorized by an act passed the present year, a sum not exceeding five hundred dollars.

Blanks for medical examiners.

For the payment of expenses authorized for the maintenance of certain suits in which the Commonwealth is a party interested, a sum not exceeding eighteen thousand dollars, as authorized by a resolve passed the present year.

Suits in which the Commonwealth is a party interested.

SECTION 2. This act shall take effect upon its passage.

*Approved June 19, 1885.*

AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

*Chap. 387*

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, and to meet certain other expenses authorized by law, to wit: —

Appropriations.

For the construction of a barn, and for the purchase of an engine, shafting and pulleys at the reformatory prison for women, a sum not exceeding five thousand five hundred dollars, as authorized by chapter fifty-two of the resolves of the present year.

Reformatory prison for women.

For William Washburn, one thousand and fifty dollars, as authorized by chapter fifty-three of the resolves of the present year.

William Washburn.

For George W. Knight, the sum of two hundred and fifty dollars, as authorized by chapter fifty-four of the resolves of the present year.

George W. Knight.

For the St. Luke's home for convalescents, the sum of one hundred and forty-five dollars and sixteen cents, as authorized by chapter fifty-five of the resolves of the present year.

St. Luke's Home.

For providing for the protection of the Commonwealth from Asiatic cholera, a sum not exceeding fifty thousand dollars, as authorized by chapter fifty-six of the resolves of the present year.

Protection from cholera.

For the construction of a storehouse and for certain repairs at the state prison, a sum not exceeding thirteen thousand dollars, as authorized by chapter fifty-eight of the resolves of the present year.

Construction and repairs at state prison.

Massachusetts  
reformatory.

For the disposal of sewage from the officers' houses at the Massachusetts reformatory, a sum not exceeding two thousand five hundred dollars, as authorized by chapter fifty-nine of the resolves of the present year.

Contested  
elections.

For the publication of the reports of cases of contested elections, a sum not exceeding two thousand five hundred dollars, as authorized by chapter sixty of the resolves of the present year.

Trustees of lunatic  
hospital in  
Worcester.

For the trustees of the state lunatic hospital in Worcester, for the purpose of finishing certain streets in the city of Worcester laid out on land of the Commonwealth, a sum not exceeding two thousand two hundred dollars, as authorized by chapter sixty-one of the resolves of the present year.

Support of  
paupers by city  
of Boston.

For the city of Boston, for the payment of certain bills for the support of state paupers at the Boston city hospital, a sum not exceeding fourteen thousand two hundred and seventy-six dollars and twenty-four cents, as authorized by chapter sixty-two of the resolves of the present year.

State primary  
school at Monson.

For fire escapes and a new steam boiler at the state primary school at Monson, a sum not exceeding twenty-five hundred dollars, as authorized by chapter sixty-three of the resolves of the present year.

Massachusetts  
reformatory.

For the purchase of machinery and tools for the Massachusetts reformatory, a sum not exceeding twelve thousand dollars, as authorized by chapter sixty-four of the resolves of the present year.

Agricultural  
college.

For providing for certain apparatus, buildings, repairs and furnishing at the Massachusetts agricultural college, a sum not exceeding forty-five thousand dollars, as authorized by chapter sixty-five of the resolves of the present year.

Laboratory at  
agricultural  
experiment  
station.

For building and fitting up a laboratory at the Massachusetts agricultural experiment station at Amherst, a sum not exceeding six thousand dollars, as authorized by chapter sixty-six of the resolves of the present year.

Amelia J. Gill.

For Amelia J. Gill of Boston, the sum of three hundred dollars, as authorized by chapter sixty-seven of the resolves of the present year.

Report, agricultural  
experiment station.

For printing extra copies of the report of board of control of the Massachusetts agricultural experiment station, a sum not exceeding eight hundred dollars, as authorized by chapter sixty-eight of the resolves of the present year.

For clerical assistance in the office of the register of probate and insolvency in the county of Middlesex, a sum not exceeding fifteen hundred dollars, as authorized by chapter three hundred and four of the acts of the present year.

Clerical assistance, register of probate, etc., in Middlesex.

For salaries and expenses of the gas commissioners, a sum not exceeding six thousand dollars, as authorized by chapter three hundred and fourteen of the acts of the present year.

Gas commissioners.

For the salary of the judge of probate and insolvency for the county of Dukes County, the sum of fifty-five dollars and fifty-six cents, as authorized by chapter three hundred and eighteen of the acts of the present year, being in addition to the five hundred dollars appropriated by chapter two of the acts of the present year.

Judge of probate, etc., for Dukes County.

For the agricultural experiment station, the sum of five thousand dollars, as authorized by chapter three hundred and twenty-seven of the acts of the present year, being in addition to the five thousand dollars appropriated by chapter thirty-nine of the acts of the present year.

Agricultural experiment station.

To provide a building for the state normal art school, a sum not exceeding eighty-five thousand dollars, as authorized by chapter three hundred and thirty of the acts of the present year.

State normal art school.

For the Gettysburg battlefield memorial association, for the purposes of carrying out the provisions of chapter forty-two of the resolves of eighteen hundred and eighty-three, the sum of one thousand dollars.

Gettysburg battlefield memorial association.

For the purpose of exterminating contagious diseases among horses, cattle and other animals, a sum not exceeding three thousand five hundred dollars, being in addition to the one thousand five hundred dollars appropriated by chapter thirty-nine of the acts of the present year.

Contagious diseases among animals.

For expenses in the conduct of examinations, the employment of experts, and such other necessary expenses as the governor and council may deem necessary in carrying out the provisions of chapter two hundred and ninety-seven of the acts of the present year, being "An Act to promote the consolidation of the Troy and Greenfield railroad and certain other railroads," a sum not exceeding ten thousand dollars.

Consolidation of the Troy and Greenfield Railroad and certain other railroads.

For authorized expenses of committees of the present legislature, a sum not exceeding five hundred dollars, in addition to the eleven thousand five hundred dollars ap-

Expenses of committees of the legislature.

propriated by chapters one and three hundred and seventeen of the acts of the present year.

Report of investigation of expenditures made by the state house commission.

For printing and binding the report of the joint special committee appointed to investigate the methods upon which expenditures are made under the supervision of the state house commission, a sum not exceeding eight hundred dollars.

Treasurer and receiver-general.

For the salary of the treasurer and receiver-general, the sum of one thousand dollars, as authorized by chapter two hundred and sixty-three of the acts of the present year, being in addition to the four thousand dollars appropriated by chapter three of the acts of the present year.

Judge of probate, etc., for county of Worcester.

For the salary of the judge of probate and insolvency for the county of Worcester, the sum of five hundred dollars, as authorized by chapter two hundred and seventy-five of the acts of the present year, being in addition to the two thousand five hundred dollars appropriated by chapter two of the acts of the present year.

Reformatory prison for women.

For the purchase of additional land for the reformatory prison for women, a sum not exceeding eleven thousand six hundred dollars, as authorized by chapter two hundred and eighty-seven of the acts of the present year.

Doorkeepers, messengers and pages.

For the compensation of doorkeepers, messengers and pages to the present legislature, a sum not exceeding two thousand dollars, in addition to the twenty-two thousand dollars appropriated by chapters one and two hundred and eighty-four of the acts of the present year.

Temporary assistance in extraordinary cases.

The sum of two thousand dollars may be expended by the board of health, lunacy and charity in giving temporary assistance to persons, in extraordinary cases of suffering, where the provisions made by existing laws are, in their judgment, deemed insufficient.

SECTION 2. This act shall take effect upon its passage.

*Approved June 19, 1885.*

## RESOLVES.

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### RESOLVE AUTHORIZING THE TREASURER TO BORROW MONEY IN ANTICIPATION OF THE REVENUE. Chap. 1

*Resolved*, That the treasurer and receiver-general be and he is hereby authorized to borrow, in anticipation of the receipts of the present year, such sums of money as may be from time to time necessary for the payment of the ordinary demands on the treasury, at any time before the expiration of fifteen days after the meeting of the general court, at such rates of interest as shall be found necessary; and that he repay any sums he may borrow under this resolve as soon as money sufficient for the purpose and not otherwise appropriated shall be received into the treasury.

Treasurer may borrow money in anticipation of the revenue.

*Approved January 29, 1885.*

### RESOLVE PROVIDING ROOMS FOR THE USE OF THE CIVIL SERVICE COMMISSIONERS. Chap. 2

*Resolved*, That the commissioners on the state house be and they are hereby directed to provide suitable rooms outside the state house and Commonwealth building for the use of the civil service commissioners. Said commissioners on the state house may expend for rent of the rooms a sum not exceeding nine hundred dollars per annum, and for fitting up and furnishing, a sum not exceeding four hundred dollars.

Civil service commissioners.

*Approved January 29, 1885.*

### RESOLVE PROVIDING FOR THE PRINTING OF A BOOK CONTAINING A LIST OF MEMBERS, COMMITTEES, RULES AND NOTES OF RULINGS FOR THE USE OF MEMBERS OF THE PRESENT LEGISLATURE. Chap. 3

*Resolved*, That there be printed for the use of the members of the present legislature, six hundred copies of a book containing the rules of the two branches of the legislature, with notes of rulings of the presiding officers

List of members, rules, etc.

from the year eighteen hundred and thirty-three to the year eighteen hundred and eighty-five, and a list of members and committees of the senate and house, in form as printed for the use of the legislature in eighteen hundred and eighty-three.

*Approved February 3, 1885.*

- Chap. 4** RESOLVE PROVIDING FOR PRINTING TWO THOUSAND COPIES OF THE REPORT OF THE COMMISSIONERS UPON THE RECORDS, FILES, PAPERS AND DOCUMENTS IN THE DEPARTMENT OF THE SECRETARY OF THE COMMONWEALTH.

Report of commissioners on papers and documents in department of the secretary.

*Resolved*, That there be printed two thousand copies of the report to the legislature of Massachusetts made by the commissioners appointed under resolve chapter sixty, eighteen hundred eighty-four, upon the condition of the records, files, papers and documents in the department of the secretary of the Commonwealth; and that one thousand copies of the same be bound in cambric, and one thousand in paper covers; the same to be distributed as follows:—One copy to each public library, and historical society in the state, the remainder under the direction of the secretary of the Commonwealth.

*Approved February 12, 1885.*

- Chap. 5** RESOLVE TO PROVIDE ROOMS FOR THE COMMISSION APPOINTED TO PREPARE AND COMPLETE A TOPOGRAPHICAL SURVEY AND MAP OF MASSACHUSETTS.

Rooms for commission on topographical survey, etc.

*Resolved*, That the commissioners on the state house provide, at a rental not exceeding five hundred dollars per annum, suitable rooms outside of the state house and Commonwealth building, for the use of the commission appointed to prepare and complete a contour topographical survey and map of Massachusetts. And that said commissioners on the state house furnish said rooms at an expense not exceeding three hundred dollars.

*Approved February 12, 1885.*

- Chap. 6** RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY.

Massachusetts charitable eye and ear infirmary.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth ten thousand dollars to the Massachusetts charitable eye and ear infirmary, to be expended under the direction of the managers thereof for the charitable purposes of said infirmary for the present year; and the said managers shall report to the state board of health, lunacy and charity.

*Approved February 12, 1885.*

RESOLVE PROVIDING FOR THE PRINTING OF ADDITIONAL COPIES OF THE REPORT OF THE TRUSTEES OF THE AGRICULTURAL COLLEGE. *Chap. 7*

*Resolved*, That there be printed three thousand copies of the annual report of the trustees of the Massachusetts agricultural college, one-half of which shall be distributed among the members of the legislature, and the remainder to the officers and trustees of the college, the same to be in addition to the usual legislative edition. Report of trustees of agricultural college.

*Approved February 19, 1885.*

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RESOLVE IN FAVOR OF THE TOWN OF NEWBURY.

*Chap. 8*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to the town of Newbury, as re-imbursement for money paid for the support of Lucy M. Caldwell, an insane criminal, the sum of two hundred and forty dollars and fifty cents. Town of Newbury.

*Approved February 25, 1885.*

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RESOLVE PROVIDING FOR THE PRINTING OF ADDITIONAL COPIES OF THE ANNUAL REPORT OF THE BUREAU OF STATISTICS OF LABOR. *Chap. 9*

*Resolved*, That there be printed one thousand additional copies of the annual report of the bureau of statistics of labor for the present year, to be distributed as follows:—One copy to each member of the legislature, and the residue under the direction of the bureau of statistics of labor. Report of bureau of statistics of labor.

*Approved February 25, 1885.*

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RESOLVE IN FAVOR OF THE TOWN OF LEXINGTON.

*Chap. 10*

*Resolved*, That this Commonwealth hereby releases to the town of Lexington, to be held and managed by the trustees of the Bridge charitable fund for the purposes of their trust, all its right, title and interest, if any it has, in the property and estate of which Elizabeth Bridge Gerry, late of said Lexington, died seized and possessed. Town of Lexington.

*Approved February 25, 1885.*

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RESOLVE PROVIDING FOR THE PRINTING OF EXTRA COPIES OF THE THIRTY-SECOND ANNUAL REPORT OF THE SECRETARY OF THE MASSACHUSETTS BOARD OF AGRICULTURE. *Chap. 11*

*Resolved*, That there be printed four thousand additional copies of the thirty-second annual report of the Massachusetts board of agriculture, for the use of mem- Report of secretary of board of agriculture.

bers, to be distributed as follows:—Thirteen copies to each member of the legislature, and the residue under the direction of the secretary of the board of agriculture.

*Approved February 25, 1885.*

**Chap. 12** RESOLVE PROVIDING FOR THE PAYMENT OF ARMORY RENTS TO CERTAIN CITIES AND TOWNS.

Armory rents.

*Resolved*, That the adjutant-general be and he is hereby authorized to allow to the following named cities and towns, to wit:—The cities of Boston, Cambridge, Fall River, Holyoke, Lowell, Malden and Worcester, and the towns of Beverly, Chelmsford, Concord, Gardner, Groton, Leominster, Westford and Woburn, such amounts for rent of armories, for the year eighteen hundred and eighty-four, for various organizations of the state militia occupying public buildings, as may be in his judgment just and reasonable; and said amounts shall be certified to the auditor of the Commonwealth, not to exceed in all the sum of eight thousand dollars, to be paid from the appropriation for armory rents, authorized by chapter thirty-two of the acts of the year eighteen hundred and eighty-four.

*Approved February 25, 1885.*

**Chap. 13** RESOLVE CONFIRMING THE ACTS OF NATHANIEL W. LADD AS A JUSTICE OF THE PEACE.

Acts done by  
Nathaniel J.  
Ladd as justice  
of the peace,  
confirmed.

*Resolved*, That all acts done by Nathaniel W. Ladd as a justice of the peace between the thirteenth day of August and the twelfth day of October in the year eighteen hundred and eighty-four are hereby confirmed and made valid to the same extent as though he had been qualified during that time to discharge the duties of a justice of the peace.

*Approved February 26, 1885.*

**Chap. 14** RESOLVE IN FAVOR OF LOUIS J. B. MARSHALL.

Louis J. B.  
Marshall.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, to Louis J. B. Marshall of Boston, a private of Battery A, Massachusetts volunteer militia, the sum of three hundred dollars, in full compensation for injuries received in camp July twenty-third, eighteen hundred and eighty-four, while in the line of his duty.

*Approved February 27, 1885.*

RESOLVE PROVIDING FOR PRINTING EXTRA COPIES OF THE MANUAL  
FOR THE GENERAL COURT. *Chap. 15*

*Resolved*, That there be printed eleven hundred and twenty copies of the Manual for the general court for the present year, in addition to the number now authorized by law, to be distributed as follows:— Four copies to each member of the legislature. Manual for the general court.

*Approved February 27, 1885.*

RESOLVE IN FAVOR OF WILLIAM J. BALMER.

*Chap. 16*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to William J. Balmer of Cambridge, the sum of one hundred dollars, as full compensation for injuries received in the line of his duty as a sergeant in company B, fifth regiment Massachusetts volunteer militia, in July, eighteen hundred and eighty-four. William J. Balmer.

*Approved February 27, 1885.*

RESOLVE RELATING TO THE PROVISIONS OF THE WILL OF BENJAMIN  
WALKER, LATE OF SEEKONK. *Chap. 17*

*Resolved*, That the Commonwealth declines to accept the provisions of the second clause of the will of Benjamin Walker, late of Seekonk, in trust for the establishment of a manual labor school in the town of Seekonk, and releases any rights which it might acquire under the provisions of said clause. Benjamin Walker.

*Approved March 5, 1885.*

RESOLVE IN FAVOR OF CLARISSA J. MAIES.

*Chap. 18*

*Resolved*, That Clarissa J. Maies of Worcester, widow of William H. Maies acting master in the United States navy during the late war of the rebellion, shall, from and after February first, eighteen hundred and eighty-five, be eligible to receive state aid, under the provisions, rules and regulations of chapter thirty of the Public Statutes, in the same manner and to the same extent that she would have been had her husband served to the credit of Massachusetts. Clarissa J. Maies.

*Approved March 11, 1885.*

RESOLVE IN RELATION TO PUBLIC RECORDS OF PARISHES, TOWNS  
AND COUNTIES. *Chap. 19*

*Resolved*, That the commissioner appointed under the provisions of chapter sixty-five of the resolves of eighteen hundred and eighty-four, relating to public records of parishes, towns and counties, may expend a sum not ex- Commissioner on records of parishes, towns, etc.

ceeding five hundred dollars in collecting necessary information relating to such records, such information to be collected, so far as possible, by means of the census of eighteen hundred and eighty-five; and that he make the report called for by the said resolve to the next legislature.

*Approved March 11, 1885.*

**Chap. 20** RESOLVE CONFIRMING THE ACTS OF HENRY J. DUNHAM AS A JUSTICE OF THE PEACE AND TRIAL JUSTICE.

Acts done by Henry J. Dunham as justice of the peace and trial justice, confirmed.

*Resolved*, That all acts done by Henry J. Dunham as justice of the peace and as trial justice, within and for the county of Berkshire, between the seventh day of November in the year eighteen hundred and eighty-four and the first day of January in the year eighteen hundred and eighty-five, are hereby made valid and confirmed to the same extent as though he had been during all that time qualified to discharge the duties of said offices.

*Approved March 11, 1885.*

**Chap. 21** RESOLVE IN FAVOR OF THE TRUSTEES OF THE SOLDIERS' HOME IN MASSACHUSETTS.

Soldiers' Home in Massachusetts.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to the trustees of the soldiers' home in Massachusetts, the sum of fifteen thousand dollars, the same to be used towards the maintenance of a home for deserving soldiers and sailors.

*Approved March 11, 1885.*

**Chap. 22** RESOLVE IN FAVOR OF ELLEN MADIGAN OF NORTH ADAMS.

Ellen Madigan.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to Ellen Madigan of North Adams, widow of James Madigan, the sum of one hundred and fifty dollars in two annual instalments of seventy-five dollars each.

*Approved March 11, 1885.*

**Chap. 23** RESOLVE IN FAVOR OF THE STATE WORKHOUSE AT BRIDGEWATER.

State workhouse at Bridgewater.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding seven thousand dollars for the following purposes, to wit:—For the purchase of land adjoining Taunton River, for the erection of a pumping station on the same, for the purchase of a steam pump and boiler and iron pipes to connect the same with the new water tower, and for completing what-

ever may be necessary to supply said institution with water. Said sum shall be expended under the direction of the trustees and superintendent of said workhouse.

*Approved March 11, 1885.*

RESOLVE IN FAVOR OF MARGARET DUGAN.

*Chap. 24*

*Resolved*, That Margaret Dugan, widow of the late James Dugan formerly a member of company K, twenty-eighth regiment Massachusetts volunteer infantry, shall from and after the first day of February, eighteen hundred and eighty-five, be eligible to receive state aid under the provisions, rules and regulations of chapter thirty of the Public Statutes, in the same manner and to the same extent that she would have been entitled had her husband been a resident of Massachusetts and in receipt of the state aid of this state at the time of his death.

Margaret  
Dugan.

*Approved March 11, 1885.*

RESOLVE IN FAVOR OF JOHN L. CHAMBERS.

*Chap. 25*

*Resolved*, That John L. Chambers, formerly an acting master's mate in the United States navy, a resident of the Commonwealth of Massachusetts at the time of his going into service, and now residing in Boston, shall, from and after January first, eighteen hundred and eighty-five, be eligible to receive military aid under the provisions, rules and regulations of chapter thirty of the Public Statutes, and of all acts in addition thereto, in the same manner and to the same extent that he would have been had he served to the credit of Massachusetts.

John L.  
Chambers.

*Approved March 16, 1885.*

RESOLVE PROVIDING FOR THE PURCHASE OF MILITARY CLOTHING  
FOR THE MILITIA.

*Chap. 26*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth the sum of eighty-four thousand dollars, to be expended by the quartermaster-general, under the direction of the commander-in-chief, for the purchase of overcoats and trousers for the militia. No part of this appropriation shall be expended unless contracts can be made satisfactory to the commander-in-chief, to furnish the militia with overcoats and trousers for the amount specified in this resolve.

Military cloth-  
ing for the  
militia.

*Approved March 25, 1885.*

**Chap. 27** RESOLVE IN RELATION TO THE PUBLICATION OF THE PROVINCIAL LAWS.

Provincial laws.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding ten thousand nine hundred and five dollars, for the purpose of continuing the preparation for publication, and for the publication of the provincial laws, during the year eighteen hundred and eighty-five, as provided in chapter forty-three of the resolves of the year eighteen hundred and sixty-five, but subject to the provisions and limitations embraced in chapter fifty-six of the resolves of the year eighteen hundred and eighty-four.

*Approved March 25, 1885.*

**Chap. 28** RESOLVE TO PROVIDE FOR NEW STEAM BOILERS AND FOR CERTAIN IMPROVEMENTS AND REPAIRS AT THE STATE ALMSHOUSE.

State almshouse at Tewksbury.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to the trustees of the state almshouse at Tewksbury, eleven thousand five hundred dollars to be expended under the direction of the superintendent and trustees of said almshouse for the following purposes: — One thousand dollars to complete water connections and extension of water mains around the buildings; seven thousand dollars for new steam boilers, chimney and masonry; and three thousand five hundred dollars for re-piping and re-arranging the heating apparatus in the men's hospital and main building.

*Approved March 27, 1885.*

**Chap. 29** RESOLVE IN RELATION TO THE TOPOGRAPHICAL SURVEY AND MAP OF MASSACHUSETTS.

Topographical survey and map of the state.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding nine thousand dollars, which sum may be expended as recommended by the commissioners on the topographical survey and map of Massachusetts, under the direction of said commissioners, for the determination by triangulation of the boundary lines of the cities and towns in the Commonwealth: *provided*, the amount so expended during the current year shall not exceed the sum of three thousand dollars.

*Approved March 27, 1885.*

RESOLVE PROVIDING ROOMS FOR THE BUREAU OF STATISTICS OF LABOR, FOR THE PURPOSE OF TAKING THE DECENNIAL CENSUS. *Chap. 30*

*Resolved*, That the commissioners on state house be and they are hereby directed to provide suitable rooms, outside the state house and Commonwealth building, for the use of the bureau of statistics of labor, for such period of time as may be necessary to accommodate the additional clerical force required in taking the decennial census and the industrial statistics of the Commonwealth. The commissioners may expend a sum not exceeding twenty-five hundred dollars per annum for rent, and not exceeding five hundred dollars for furnishing said rooms.

Rooms for bureau of statistics of labor.

*Approved April 1, 1885.*

RESOLVE IN FAVOR OF JOHN W. DICKINSON.

*Chap. 31*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding three hundred dollars to John W. Dickinson, for expenses incurred as a delegate appointed by the governor to represent the educational interests of the Commonwealth at the world's industrial cotton and centennial exposition at New Orleans.

John W. Dickinson.

*Approved April 1, 1885.*

RESOLVE PROVIDING FOR THE PRINTING OF EXTRA COPIES OF THE REPORT OF THE COMMISSIONERS OF THE STATE TOPOGRAPHICAL SURVEY FOR THE YEAR EIGHTEEN HUNDRED AND EIGHTY-FOUR. *Chap. 32*

*Resolved*, That there be printed three hundred additional copies of the report of the commissioners of the state topographical survey for the year eighteen hundred and eighty-four, to be distributed under the direction of said commissioners.

Report of commissioners on topographical survey.

*Approved April 1, 1885.*

RESOLVE IN FAVOR OF THE TOWN OF FRANKLIN.

*Chap. 33*

*Resolved*, That there be allowed and paid from the treasury of the Commonwealth to the town of Franklin, the sum of one hundred and thirty-eight dollars and thirty-seven cents, in settlement of the claim of said town against the Commonwealth for money paid for support of Charlene C. W. Daniels, an insane criminal.

Town of Franklin.

*Approved April 1, 1885.*

**Chap. 34** RESOLVE FOR PROVIDING FIRE ESCAPES AT THE STATE NORMAL SCHOOL AT FRAMINGHAM.

State normal school at Framingham.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding eight hundred and fifty dollars, for the purpose of providing fire escapes and furnishing suitable precaution against fire at the boarding-house of the state normal school at Framingham, the same to be expended under the direction of the board of education.

*Approved April 1, 1885.*

**Chap. 35**

Mary Foley.

RESOLVE IN FAVOR OF MARY FOLEY.

*Resolved*, That Mary Foley, widow of James Foley who died in the service during the war of the rebellion, while a member of company D, second regiment Massachusetts volunteer infantry, shall from and after February first, eighteen hundred and eighty-five, be eligible to receive state aid under the provisions, rules and limitations of chapter thirty of the Public Statutes, in the same manner and to the same extent that she would have been had she actually resided in Massachusetts, April twenty-third, eighteen hundred and sixty-six. *Approved April 3, 1885.*

**Chap. 36**

County taxes granted.

RESOLVE GRANTING COUNTY TAXES.

*Resolved*, That the sums placed against the names of the several counties in the following schedule are granted as a tax for each county, respectively, to be collected and applied according to law: — Barnstable, twelve thousand dollars; Berkshire, sixty-two thousand dollars; Bristol, one hundred and four thousand dollars; Dukes, six thousand nine hundred dollars; Essex, two hundred and five thousand dollars; Franklin, twenty-seven thousand dollars; Hampden, eighty-one thousand dollars; Hampshire, thirty-eight thousand dollars; Middlesex, one hundred and fifty thousand dollars; Norfolk, sixty thousand dollars; Plymouth, fifty-two thousand dollars; Worcester, one hundred and fifteen thousand dollars.

*Approved April 3, 1885.*

**Chap. 37** RESOLVES CONCERNING AN AMENDMENT TO THE CONSTITUTION TO PROVIDE FOR PRECINCT VOTING IN TOWNS.

Proposed amendment to constitution for voting precincts in towns, to be submitted to the people for ratification.

*Resolved*, That the following article of amendment of the constitution, having been agreed to by the last and present general courts, and published in the manner required by the constitution, be submitted to the people for their ratification and adoption: —

## ARTICLE OF AMENDMENT.

The general court shall have full power and authority to provide for the inhabitants of the towns in this Commonwealth more than one place of public meeting within the limits of each town for the election of officers under the constitution, and to prescribe the manner of calling, holding and conducting such meetings. All the provisions of the existing constitution inconsistent with the provisions herein contained are hereby annulled.

Article of  
amendment.

*Resolved*, That the people shall be assembled for the purpose aforesaid, in their respective cities and towns, in meetings to be legally warned, and held on Tuesday the third day of November next, at which meeting all the inhabitants qualified to vote for senators and representatives in the general court may give in their votes, by ballot, for or against said article of amendment; and the same officers shall preside in the said meetings as in the meetings for the choice of senators and representatives, and shall in open meeting receive, sort, count and declare the votes of the inhabitants, for and against the same; and the said votes shall be recorded by the clerks of said cities and towns, and true returns thereof shall be made out under the hands of the mayor and aldermen of the several cities, and of the selectmen, or a major part of them, and of the clerks of the said cities and towns, respectively, and sealed up and delivered to the sheriff of the county within three days after the said meetings, to be by him transmitted to the office of the secretary of the Commonwealth within seven days after receiving the same; or the said mayors and aldermen, and selectmen, respectively, shall themselves transmit the same to the said office within ten days after the said meetings: *provided*, that in the several cities the meetings held under this resolve shall be conducted according to the provisions of the acts establishing the same, and of the several acts in addition thereto.

*Resolved*, That every person qualified to vote as aforesaid may express his opinion on said article of amendment without expressing in his ballot the contents of said article; but the form of said ballot shall be as follows: — “Amendment to the Constitution, Yes,” or “No.” And if said article shall appear to be approved by a majority of the persons voting thereon, it shall be deemed and taken to be ratified and adopted by the people.

To vote “yes”  
or “no.”

If approved by the people, to be enrolled on parchment and deposited in the secretary's office.

*Resolved*, That his excellency the governor and the council shall forthwith open and examine the votes returned as aforesaid; and if it shall appear that said article of amendment has been approved by a majority of the persons voting thereon, according to the votes returned and certified as aforesaid, the same shall be enrolled on parchment, and deposited in the secretary's office, as a part of the constitution of this Commonwealth, and shall be published in immediate connection therewith, numbered according to its numerical position, with the articles of amendment of the constitution heretofore adopted, in all future editions of the laws of this Commonwealth, printed by public authority.

Governor to issue proclamation.

*Resolved*, That his excellency the governor be, and he hereby is, authorized and requested to issue his proclamation forthwith after the examination of the votes returned as aforesaid, reciting said article of amendment, and announcing that said article has been duly adopted and ratified by the people of this Commonwealth, and has become a part of the constitution thereof, and requiring all magistrates and officers, and all citizens of the said Commonwealth, to take notice thereof, and govern themselves accordingly; or that the said article of amendment has been rejected, as the case may be.

Copies of resolves to be sent to the several cities and towns in the state.

*Resolved*, That a printed copy of these resolves, including the said article of amendment, and blank forms of the returns of votes on said article, shall be transmitted, as soon as may be, by the secretary of the Commonwealth, to the mayors and aldermen of the several cities, and the selectmen of the several towns, of this Commonwealth.

*Approved April 8, 1885.*

### Chap. 38

#### RESOLVES PROVIDING FOR THE PRINTING, BINDING AND DISTRIBUTION OF THE DECENNIAL CENSUS AND INDUSTRIAL STATISTICS.

Printing, binding and distribution of the decennial census and industrial statistics.

*Resolved*, That there be printed and bound, from the stereotype plates authorized by chapter one hundred and eighty-one of the acts of the year eighteen hundred and eighty-four, eight thousand copies of the decennial census and industrial statistics of the Commonwealth for the year eighteen hundred and eighty-five.

*Resolved*, That said eight thousand copies be distributed as follows: — Ten copies each to the governor, lieutenant-governor and each member of the council, senate and house of representatives; one copy to each senator and

representative of Massachusetts in Congress; one copy to the head of each of the departments of the Commonwealth; one copy to the attorney-general; three hundred copies to the state library, six copies to be preserved on the shelves, and the residue to be used in exchanges and for distribution; fifteen copies to the public library of the city of Boston; ten copies each to the clerks, and one copy each to the assistant clerks and to the chaplains of the two houses of the legislature; ten copies to the sergeant-at-arms, and one copy each to such of his assistants, not exceeding twenty-five, as he may designate; one copy to each reporter to whom a seat has been allotted by the president of the senate or speaker of the house of representatives; one copy to each city or town in the Commonwealth, to be placed in the city or town library when such library is established; one copy to each public or incorporated library in the Commonwealth, other than city and town libraries; one copy to each of the judges of the supreme judicial court and of the superior court; one copy to each judge of probate and insolvency; one copy to the clerk of the courts in each county; one copy to each district attorney; one copy to each sheriff; one copy to each register of deeds; one copy to each register of probate and insolvency; and two thousand copies to the bureau of statistics of labor, for distribution; and the residue of said eight thousand copies to be delivered to the secretary of the Commonwealth for immediate distribution and for preservation for future distribution.

*Resolved*, That said census and industrial statistics be printed in octavo volumes of the size of the acts and resolves, but in the general style of the annual reports heretofore of the bureau of statistics of labor, and that the matter thereof be contained in three volumes, each volume to contain so far as practicable information of the same class.

*Resolved*, That there be printed and bound fifteen hundred copies of a compendium in one volume of the said decennial census and industrial statistics, which compendium shall be distributed by the bureau of statistics of labor.

*Approved April 13, 1885.*

Distribution.

To be printed in three volumes, octavo.

Compendium.

- Chap. 39* RESOLVE GRANTING AN ALLOWANCE TO THE MASSACHUSETTS MOZART ASSOCIATION OF THE FORTIETH NEW YORK MOZART REGIMENT, FOR THE PURPOSE OF ERECTING A MONUMENT ON THE BATTLEFIELD OF GETTYSBURG, PENNSYLVANIA.

Massachusetts  
Mozart Associa-  
tion of the  
Fortieth New  
York Mozart  
Regiment.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth the sum of five hundred dollars to the Massachusetts Mozart association comprising four companies of the fortieth New York Mozart regiment, New York volunteers, which were credited to the following named cities and towns of this Commonwealth, viz. : — Newburyport, Lawrence, Milford, and West Cambridge (now Arlington), and which were engaged in the battle of Gettysburg, Pennsylvania, for the purpose of erecting a suitable monument on the said battlefield; the said amount to be paid upon the approval of the governor and council to a duly authorized officer or committee of such association if applied for within two years from the passage of this resolve.

*Approved April 14, 1885.*

- Chap. 40* RESOLVE IN ADDITION TO A RESOLVE PROVIDING FOR THE PURCHASE OF MILITARY CLOTHING FOR THE MILITIA.

Military cloth-  
ing for the  
militia.

*Resolved*, That any unexpended balance of the appropriation of eighty-four thousand dollars made to carry out the provisions of chapter twenty-six of the resolves of the present year, may, after the purchase of overcoats and trousers as provided in said chapter, be expended by the quartermaster-general, under the direction of the commander-in-chief, for other military clothing.

*Approved April 15, 1885.*

- Chap. 41* RESOLVE IN FAVOR OF LAVINIA COOK.

Lavinia Cook.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to Lavinia Cook of Boston, widow of John Cook who served in the United States navy, to the credit of Massachusetts, during the late war of the rebellion, an annuity of seventy-two dollars from the first day of January, eighteen hundred and eighty-five, payable in equal quarterly instalments, said annuity to continue while she remains unmarried.

*Approved April 17, 1885.*

- Chap. 42* RESOLVE IN FAVOR OF JAMES MAHER.

James Maher.

*Resolved*, That James Maher of Boston, who in eighteen hundred and sixty-two was shipped in the navy at Baton

Rouge, Louisiana, and served on board the U. S. steamship Brooklyn as a second class boy, shall on and after the first day of April, eighteen hundred and eighty-five, be eligible to receive state aid under the provisions, rules and regulations of chapter thirty of the Public Statutes, in the same manner and to the same extent that he would have been had he served to the credit of Massachusetts in the late war of the rebellion. *Approved April 17, 1885.*

RESOLVE IN FAVOR OF THE COMMISSION TO REPORT A SYSTEM OF DRAINAGE FOR THE VALLEYS OF THE MYSTIC AND OTHER RIVERS.

*Chap. 43*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth the sum of thirteen thousand dollars, to be expended under direction of the commissioners appointed under chapter sixty-three of the resolves of the year eighteen hundred and eighty-four; entitled a Resolve for the appointment of a commission to consider a general system of drainage for the valleys of the Mystic, Blackstone and Charles rivers, and certain other portions of the Commonwealth,—the said sum to be in addition to the amount allowed under said resolve.

System of drainage for valleys of Mystic and other rivers.

*Approved April 24, 1885.*

RESOLVE IN FAVOR OF ASENATH MANNING.

*Chap. 44*

*Resolved*, That there be allowed and paid from the treasury of the Commonwealth to the selectmen of the town of Goshen, an annuity of two hundred dollars for the benefit of Asenath Manning for the rest of her natural life, in lieu of state aid, beginning with the first day of January in the year eighteen hundred and eighty-five, payable in equal quarterly instalments.

Asenath Manning.

*Approved April 29, 1885.*

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS IN AND FOR THE PURCHASE OF BOOKS FOR THE STATE LIBRARY.

*Chap. 45*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth the sum of fifteen hundred dollars, for the purpose of providing new cases and additional shelving in the state library; and the further sum of one thousand dollars for the purchase of English law journals and reports, the same to be expended under the direction of the trustees and librarian.

State library.

*Approved April 30, 1885.*

**Chap. 46** RESOLVE PROVIDING FOR CERTAIN IMPROVEMENTS AT THE TAUNTON LUNATIC HOSPITAL.

Taunton lunatic hospital.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding seventy-six hundred dollars, to be expended under the direction of the trustees and superintendent of the Taunton lunatic hospital, for the following purposes:— Twenty-five hundred dollars for building new bridge across Mill River. Eighteen hundred dollars for building new wall between hospital ground and land of the Old Colony railroad. One thousand dollars for improving the present water supply. One thousand dollars for removing and rebuilding wall on line of the new street. Eight hundred dollars for relaying and repairing floors. Five hundred dollars for new ventilating flues.

*Approved April 30, 1885.*

**Chap. 47** RESOLVE IN FAVOR OF THE SOLDIERS' MESSENGER CORPS.

Soldiers' messenger corps.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to the disabled soldiers' employment bureau, a sum not exceeding eight hundred dollars, the same to be expended under the direction of the adjutant-general. Three hundred dollars of said sum shall be allowed for superintendence of said bureau.

*Approved April 30, 1885.*

**Chap. 48** RESOLVE IN FAVOR OF JAMES M. BARKER.

James M. Barker.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to James M. Barker, one of the commissioners for consolidating and arranging the General Statutes of the Commonwealth, the sum of five hundred dollars for extra services performed in compliance with the request contained in resolutions adopted by the house of representatives in concurrence with the senate, May thirteenth in the year eighteen hundred and eighty-one.

*Approved May 7, 1885.*

**Chap. 49** RESOLVE IN FAVOR OF ANNIE FITZGERALD OF NORTH ADAMS.

Annie Fitzgerald.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to Annie Fitzgerald of North Adams, an annuity of one hundred dollars for the term of three years, to be used by her in supporting James Haggerty, the minor son of the late Patrick Haggerty who

was killed in the Hoosac Tunnel on the eleventh day of January, eighteen hundred and eighty-five, while in the employ of the Commonwealth, to be paid in equal quarterly instalments; said annuity shall cease should the said James Haggerty die before the expiration of the time provided in this resolve.

*Approved May 12, 1885.*

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RESOLVE IN FAVOR OF FANNY ROSS.

*Chap. 50*

Fanny Ross.

*Resolved,* That there be allowed and paid out of the treasury of the Commonwealth to Fanny Ross of Cambridge, widow of the late Michael Ross who was a member of company B, forty-seventh regiment of Massachusetts volunteers, and re-enlisted in the fifty-ninth regiment and died in camp before being mustered in on said re-enlistment, an annuity of two hundred dollars for the term of three years from the first day of January in the year eighteen hundred and eighty-five, payable in equal quarterly instalments.

*Approved May 12, 1885.*

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RESOLVE PROVIDING FOR THE PUBLICATION BY THE BUREAU OF STATISTICS OF LABOR OF INFORMATION CONCERNING CO-OPERATIVE DISTRIBUTION IN GREAT BRITAIN.

*Chap. 51*

*Resolved,* That the chief of the bureau of statistics of labor be and he is hereby instructed to prepare and publish for distribution a pamphlet descriptive of the history, methods and present condition of co-operative distribution in Great Britain; and he may expend in the preparation and publication of the same a sum not exceeding eighteen hundred dollars.

Co-operative  
distribution in  
Great Britain.

*Approved May 12, 1885.*

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RESOLVE TO PROVIDE FOR THE CONSTRUCTION OF A BARN AND FOR THE PURCHASE OF AN ENGINE AND SHAFTING FOR THE REFORMATORY PRISON FOR WOMEN.

*Chap. 52*

*Resolved,* That there be allowed and paid out of the treasury of the Commonwealth to be expended under the direction of the commissioners of prisons, a sum not exceeding five thousand five hundred dollars, for the following named purposes, to wit:— Three thousand five hundred dollars for the construction of a barn at the reformatory prison for women, and two thousand dollars for the purchase of an engine, shafting and pulleys for said prison.

Reformatory  
prison for  
women.

*Approved May 21, 1885.*

- Chap. 53** RESOLVE TO PROVIDE FOR THE COMPENSATION OF WILLIAM WASHBURN FOR CERTAIN SERVICES AS ARCHITECT ON THE STATE HOUSE.

William  
Washburn.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to William Washburn of Boston, the sum of one thousand and fifty dollars in full compensation for services performed by him as an architect upon the state house. *Approved May 21, 1885.*

- Chap. 54** RESOLVE IN FAVOR OF GEORGE W. KNIGHT.

George W.  
Knight.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to George W. Knight of Boston, the sum of two hundred and fifty dollars in full compensation for one horse accidentally and fatally injured while in the service of the state and proceeding to the encampment of company D, first battalion cavalry Massachusetts volunteer militia, at South Framingham, on or about the twenty-first day of July, eighteen hundred and eighty-four. *Approved May 22, 1885.*

- Chap. 55** RESOLVE IN FAVOR OF SAINT LUKE'S HOME FOR CONVALESCENTS.

Saint Luke's  
home for con-  
valescents.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to the trustees of the Saint Luke's home for convalescents, one hundred and forty-five dollars, sixteen cents, the same being the aggregate amount of tax collected by the Commonwealth on certain shares of the national city bank of Boston, owned by said home, from and including the year eighteen hundred and seventy-three to and including the year eighteen hundred and eighty-three, and which said taxes would have been paid said trustees had they called for the amount at the proper time within the years named. *Approved May 22, 1885.*

- Chap. 56** RESOLVE PROVIDING FOR THE PROTECTION OF THE COMMONWEALTH FROM ASIATIC CHOLERA.

Protection from  
Asiatic cholera.

*Resolved*, That there be allowed and paid from the treasury of the Commonwealth a sum not exceeding fifty thousand dollars, to be used for the purpose of protecting the people of this Commonwealth from Asiatic cholera, said sum, or so much of it as shall be deemed necessary by the governor and council, to be expended under the direction of the board of health, lunacy and charity, whenever the governor and council shall be satisfied that Asiatic cholera exists within the limits of this Commonwealth.

*Approved May 22, 1885.*

RESOLVE CONFIRMING THE ACTS OF GEORGE W. KELLEY AS A JUSTICE OF THE PEACE. *Chap. 57*

*Resolved*, That all acts done by George W. Kelley of Rockland as a justice of the peace between the twelfth day of November in the year eighteen hundred and eighty-two and the twenty-first day of March in the year eighteen hundred and eighty-five, are hereby confirmed and made valid to the same extent as though he had been qualified during that time to discharge the duties of a justice of the peace.

Acts done by George W. Kelley as justice of the peace, confirmed.

*Approved June 5, 1885.*

RESOLVE TO PROVIDE FOR THE CONSTRUCTION OF A STOREHOUSE, AND FOR CERTAIN REPAIRS AT THE STATE PRISON. *Chap. 58*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to be expended at the state prison at Boston, under the direction of the commissioners of prisons, a sum not exceeding thirteen thousand dollars, for the following purposes, to wit:—For painting and repairing buildings and repairing machinery, three thousand five hundred dollars; for the construction of a storehouse, three thousand five hundred dollars; for repairing cells, four thousand dollars; for repairing walls, two thousand dollars.

Storehouse and repairs at state prison.

*Approved June 5, 1885.*

RESOLVE TO PROVIDE FOR DISPOSING OF THE SEWAGE OF THE OFFICERS' HOUSES AT THE MASSACHUSETTS REFORMATORY. *Chap. 59*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to be expended under the direction of the commissioners of prisons, the sum of two thousand five hundred dollars, for the purpose of disposing of the sewage of the officers' houses at the Massachusetts reformatory.

Massachusetts reformatory.

*Approved June 5, 1885.*

RESOLVES FOR THE PUBLICATION OF THE REPORTS OF CASES OF CONTESTED ELECTIONS. *Chap. 60*

*Resolved*, That the president of the senate and the speaker of the house of representatives are authorized and requested to appoint two suitable persons to prepare and publish an edition of the reports of such contested elections of the legislature, from the year eighteen hundred and fifty-three to the year eighteen hundred and eighty-five inclusive, as may be of value as precedents, with a suitable index thereto.

Reports of cases of contested elections to be prepared and published.

Opinions of  
S. J. C. to be  
included.

*Resolved*, That the persons so appointed shall include in or append to the publication herein authorized all opinions given by the supreme judicial court relating to such elections.

Distribution.

*Resolved*, That the number of copies of the publication hereby authorized shall not exceed one thousand, and shall be distributed as follows: — One copy shall be furnished to each public library in this Commonwealth; one copy to each town and city; twenty-five copies to the state library; one copy to each member of the senate and house of representatives; and the remainder shall be distributed in such manner as the president of the senate and the speaker of the house of representatives shall determine.

*Approved June 8, 1885.*

*Chap. 61* RESOLVE RELATIVE TO CERTAIN STREETS IN WORCESTER LAID OUT ON LAND OF THE STATE SEPARATING LAND OCCUPIED BY THE WORCESTER LUNATIC HOSPITAL FROM LAND OCCUPIED BY THE STATE NORMAL SCHOOL IN SAID CITY.

Allowance for  
grading certain  
streets in  
Worcester.

*Whereas*, Pursuant to a resolve of the legislature, chapter seventy-nine of the year eighteen hundred and seventy-one and an order of the governor and council of said year, the state normal school in the city of Worcester was established and certain streets now known as Normal Street and Eastern Avenue were laid out and in part graded between the land occupied by the Worcester lunatic hospital and land occupied by said normal school; and *whereas*, it is desirable that said streets should be finished according to the original design and plan referred to in said order of the governor and council; therefore

*Resolved*, That the sum of two thousand and two hundred dollars be allowed and paid out of the treasury of the Commonwealth to the trustees of the Worcester lunatic hospital, to be applied by them to complete the grading and finishing of said streets according to said design and plan: *provided*, said trustees can make a satisfactory agreement with the city of Worcester that said streets shall be satisfactorily finished to the required width of fifty feet and without further cost to the Commonwealth.

*Approved June 8, 1885.*

RESOLVE PROVIDING FOR PAYMENT TO THE CITY OF BOSTON FOR  
ITS SUPPORT OF STATE PAUPERS. *Chap. 62*

*Resolved*, That a sum not exceeding fourteen thousand two hundred and seventy-six dollars and twenty-four cents be allowed and paid out of the treasury of the Commonwealth to the city of Boston, for the payment of certain bills for support of state paupers at the Boston city hospital which have been audited and allowed by the board of health, lunacy and charity, and are now on file in the office of the state auditor, in sums as follows, to wit, viz. : — The sum of sixty-five hundred and three dollars and fifty-six cents for a period dating from December twenty-second, eighteen hundred eighty-two, to December thirty-first, eighteen hundred eighty-three, and a further sum of seven thousand seven hundred and seventy-two dollars and sixty-eight cents for certain other bills incurred in like manner for the year ending December thirty-first, eighteen hundred eighty-four. *Approved June 11, 1885.*

City of Boston,  
for support of  
state paupers.

RESOLVE PROVIDING FOR FIRE ESCAPES AND IMPROVEMENTS IN  
THE HEATING APPARATUS AT THE STATE PRIMARY SCHOOL AT  
MONSON. *Chap. 63*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-five hundred dollars, to be expended under the direction of the trustees of the state primary and reform schools, at the state primary school at Monson, to wit : — One thousand dollars for constructing fire escapes, and fifteen hundred dollars for a new steam boiler and repairs on steam heating apparatus. *Approved June 11, 1885.*

Fire escapes,  
etc., at state  
primary school  
at Monson.

RESOLVE PROVIDING FOR THE PURCHASE OF MACHINERY AND TOOLS  
FOR THE MASSACHUSETTS REFORMATORY. *Chap. 64*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twelve thousand dollars, to be expended under the direction of the commissioners of prisons, for the purchase of machinery and tools for the Massachusetts reformatory.

Machinery and  
tools for Massa-  
chusetts reform-  
atory.

*Approved June 11, 1885.*

**Chap. 65** RESOLVE PROVIDING FOR CERTAIN APPARATUS, BUILDINGS, REPAIRS  
AND FURNISHING AT THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Massachusetts  
agricultural  
college.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding forty-five thousand dollars, to be expended under the direction of the trustees of the Massachusetts agricultural college, for the following purposes : — Twenty thousand dollars to rebuild the south dormitory recently destroyed by fire and for erecting an addition thereto, or a new building, suitable for the purposes of instruction in agriculture, upon such plans as may be determined by said trustees ; said sum to be in addition to the insurance money received on said dormitory. Two thousand five hundred dollars for furnishing said buildings. Three thousand five hundred dollars for heating apparatus for said buildings. Five thousand five hundred dollars for scientific apparatus for the purposes of instruction in said college. Six thousand dollars for the erection of a tower on the new chapel building. Three thousand dollars for heating apparatus and gas fixtures for said chapel building. One thousand dollars for furnishing said chapel, and one thousand dollars additional for furnishing the library and reading room in said chapel building. Five hundred dollars for coloring the walls of the rooms in said chapel building. Two thousand dollars for repairs on the old chapel building : *provided*, that no money shall be expended under this resolve until a contract or contracts have been made, according to plans and specifications to be furnished by said trustees for the completion of the work at a cost not to exceed the sum above specified in any case.

Contracts to be  
made.

*Approved June 11, 1885.*

**Chap. 66** RESOLVE TO PROVIDE A LABORATORY FOR THE MASSACHUSETTS  
AGRICULTURAL EXPERIMENT STATION.

Laboratory for  
agricultural  
experiment  
station.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding six thousand dollars, for the purpose of building and properly fitting up a laboratory at the Massachusetts agricultural experiment station at Amherst, to be expended under the direction of the board of control.

*Approved June 11, 1885.*

RESOLVE IN FAVOR OF AMELIA J. GILL OF BOSTON.

Chap. 67

*Resolved*, There be allowed and paid from the treasury of the Commonwealth to Amelia J. Gill of Boston, an annuity of three hundred dollars, for the rest of her natural life, as state aid, from the first day of January, eighteen hundred and eighty-five, payable in equal quarterly instalments.

Amelia J. Gill.

*Approved June 11, 1885.*

RESOLVE PROVIDING FOR PRINTING THE REPORT OF THE BOARD OF CONTROL OF THE MASSACHUSETTS AGRICULTURAL EXPERIMENT STATION.

Chap. 68

*Resolved*, That there be printed eight thousand copies of the annual report of the board of control of the Massachusetts agricultural experiment station, for the year eighteen hundred and eighty-four, five hundred copies to be furnished to the secretary of the Commonwealth to be distributed one to each city, town and incorporated library in the Commonwealth, six thousand copies for the use of said board of control, and the remainder for the use of the legislature.

Report of board of control of the agricultural experiment station.

*Approved June 15, 1885.*

RESOLVE AUTHORIZING THE RAILROAD COMMISSIONERS TO MAKE INQUIRIES CONCERNING THE PASSENGER AND FREIGHT CHARGES OF THE HUDSON RIVER BRIDGE COMPANY AT ALBANY.

Chap. 69

*Whereas*, The traffic between this Commonwealth and the West is said to be unjustly taxed and discriminated against by the Hudson River bridge company at Albany, therefore : —

Railroad commissioners to report concerning charges for freight, etc., by Hudson River Bridge Co.

*Resolved*, That the railroad commissioners are hereby authorized and requested to inquire and ascertain as far as possible, and report to the next general court, what charges are made by said Hudson River bridge company at Albany for transporting freight and passengers over its bridge at Albany and whether any discrimination is practised in such transportation.

*Approved June 18, 1885.*

RESOLVE PROVIDING FOR THE CONSTRUCTION OF ELEVATORS IN THE STATE HOUSE.

Chap. 70

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding thirteen thousand dollars, the same to be expended under the direction of the commissioners on state house, for the construction of two passenger elevators in the state house.

Elevators in the state house.

*Approved June 18, 1885.*

**Chap. 71** RESOLVE TO PROVIDE FOR THE PURCHASE OF TWO BOILERS AND THE CONSTRUCTION OF A BOILER HOUSE AT THE STATE PRISON.

Boiler house,  
etc., at state  
prison.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding eight thousand dollars, to be expended under the direction of the commissioners of prisons, for the purchase of two new boilers and the construction of a boiler house at the state prison.

*Approved June 18, 1885.*

**Chap. 72** RESOLVE AUTHORIZING EXPENDITURES FOR THE MAINTENANCE OF CERTAIN SUITS IN WHICH THE COMMONWEALTH IS A PARTY INTERESTED AGAINST THE BOSTON AND ALBANY RAILROAD COMPANY AND OTHERS.

Maintenance of  
certain suits in  
which the Com-  
monwealth is  
interested.

*Resolved*, That the attorney-general be authorized, with the approval of the governor and council, to expend if necessary a sum not exceeding eighteen thousand dollars to carry out the provisions of chapter sixty-one of the resolves of the year eighteen hundred and eighty-four, being a Resolve concerning the distribution by the Boston and Albany railroad company among its stockholders, of certain of the shares of its stock received from the Commonwealth.

*Approved June 19, 1885.*

**Chap. 73** RESOLVES AUTHORIZING THE APPOINTMENT OF A COMMISSION FOR THE PURPOSE OF ASCERTAINING AND ESTABLISHING THE TRUE JURISDICTIONAL BOUNDARY LINE BETWEEN THIS STATE AND NEW HAMPSHIRE.

Boundary line  
between Massa-  
chusetts and  
New Hamp-  
shire.

*Resolved*, That the governor with the advice and consent of the council be and hereby is authorized and requested to appoint three commissioners on the part of this state, whenever a like commission shall be authorized by the state of New Hampshire, for the purpose of ascertaining and establishing the true jurisdictional boundary line between the two states. Said commissioners to serve without pay, but all their necessary expenses shall be approved by the governor and council and paid out of the treasury in the same manner as provided for the topographical commission.

Commissioners  
to serve without  
pay.

Repeal.

*Resolved*, That all previous legislation inconsistent herewith be and hereby is repealed.

Copy of resolves  
to be sent to  
governor of New  
Hampshire.

*Resolved*, That his excellency the governor be requested to transmit a copy of these resolves to his excellency the governor of the state of New Hampshire.

*Approved June 19, 1885.*

RESOLVE PROVIDING ACCOMMODATIONS FOR VARIOUS NEW COMMISSIONS AND ADDITIONAL ROOMS FOR OTHER DEPARTMENTS.

*Chap. 74*

*Resolved*, That in order to provide accommodations for various new commissions established by the present legislature, and to give additional room to departments in the state house needing the same, the commissioners on state house are directed to procure suitable rooms outside of the state house and Commonwealth building for the use of the gas commissioners, commissioners on pharmacy, and the board of health, lunacy and charity, at an annual rental not exceeding three thousand five hundred dollars. The rooms now occupied by the department of health are hereby assigned to the use of the commissioners of prisons, and such portion of the rooms now occupied by the inspector of charities as may be necessary shall be assigned for the use of the surgeon-general.

Accommodations to be provided for various new commissions, etc.

*Approved June 19, 1885.*

RESOLVE CONFIRMING THE ACTS OF STEPHEN F. KEYES AS A JUSTICE OF THE PEACE.

*Chap. 75*

*Resolved*, That all acts done by Stephen F. Keyes as a justice of the peace within and for the county of Suffolk, between the seventeenth day of April and the fifth day of June in the year eighteen hundred and eighty-five, are hereby confirmed and made valid to the same extent as though he had been during that time qualified to discharge the duties of said office.

Acts done by Stephen F. Keyes as justice of the peace, confirmed.

*Approved June 19, 1885.*

RESOLVE IN FAVOR OF THE TOWN OF COTTAGE CITY.

*Chap. 76*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth the sum of four hundred and eighty-two and three hundredths dollars, to the town of Cottage City, in full settlement of amounts expended by said town in the support of one Eunice Rocker and her family, state paupers, from about the seventeenth of February, eighteen hundred and eighty up to the eighth of February, eighteen hundred and eighty-three.

Town of Cottage City.

*Approved June 19, 1885.*

RESOLVE IN FAVOR OF CHARLES AND NANCY McLAUGHLIN.

*Chap. 77*

*Resolved*, That Charles McLaughlin and Nancy McLaughlin, father and mother of Daniel McLaughlin who served in the United States navy during the war of the rebellion, to the credit of Massachusetts, and who

Charles and Nancy McLaughlin.

died in eighteen hundred and sixty-eight, of disease incurred in said service, shall, from and after June first, eighteen hundred and eighty-five, be eligible to receive state aid, under the provisions, rules and limitations of chapter thirty of the Public Statutes, in the same manner and to the same extent they would have been had they drawn aid previous to April eleventh, eighteen hundred and sixty-seven.

*Approved June 19, 1885.*

**Chap. 78** RESOLVE IN FAVOR OF THE WIDOW OF THE LATE THOMAS PLUNKETT.

Widow of  
Thomas  
Plunkett.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to the widow of the late Thomas Plunkett, the same sum as the said Plunkett would have received as compensation had he lived to perform service as a messenger of the house of representatives during the entire session.

*Approved June 19, 1885.*

**Chap. 79** RESOLVE IN FAVOR OF THE WIDOW OF THE LATE JAMES F. DAVENPORT.

Widow of  
James F.  
Davenport.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to the widow of the late James F. Davenport, a member elect from the ninth Bristol district, the sum of six hundred and sixty-one dollars, being the amount of compensation and mileage he would have been entitled to had he served as a member to the end of the present session.

*Approved June 19, 1885.*

**Chap. 80** RESOLVE PROVIDING FOR REPAIRS AND IMPROVEMENTS UPON THE STATE HOUSE.

Repairs and  
improvements at  
state house.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifty-five hundred dollars, for certain repairs and improvements in the state house as set forth in the annexed schedule; said sum to be expended under the direction of the commissioners on the state house. Any work involving an estimated expenditure in excess of three hundred dollars shall be open to competitive bids. Schedule of repairs, etc. : — Gutters, conductors and roofs, three hundred dollars; repairing, plastering, whitening and painting committee rooms, eight hundred dollars; repairing, plastering, whitening and painting rooms of inspector of charities, one hundred fifty dollars; repairing, plastering and

whitening halls, and sheathing under stairs, one hundred fifty dollars; fitting up sergeant-at-arms rooms, two hundred dollars; resetting tiles, fifty dollars; painting halls, one hundred seventy-five dollars; cementing stone in front of state house, ninety-five dollars; setting stone in rear of state house and painting iron work to same, one hundred eighty-seven dollars; cases in auditor's department, two hundred thirty-seven dollars; repairing steam heating apparatus, twelve hundred dollars; steps to gallery in treasurer's department, one hundred fifty dollars; painting and whitening rooms in basement, two hundred seventy-five dollars; alterations, repairs and furniture in rooms for prison commission, three hundred forty-five dollars; furniture for two new commissions, seven hundred dollars; total, five thousand fourteen dollars; add about ten per centum, four hundred eighty-six dollars; total amount, fifty-five hundred dollars.

*Approved June 19, 1885.*

RESOLVE PROVIDING FOR CERTAIN REPAIRS AT THE STATE PRISON  
AT CHARLESTOWN.

*Chap. 81*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty thousand dollars, to be expended by the commissioners of prisons under the direction of the governor and council, for the purpose of making certain necessary repairs at the state prison at Charlestown.

Repairs at state  
prison.

*Approved June 19, 1885.*

## PROPOSED AMENDMENTS TO THE CONSTITUTION.

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Amendments to  
the constitution,  
proposed.

The following proposed Articles of Amendment to the Constitution of this Commonwealth have been officially certified and deposited in the Secretary's Department, as required by chapter 2, section 32, of the Public Statutes, and if agreed to by the General Court next to be chosen, in the manner provided by the Constitution, must be submitted to the people for their ratification or rejection: —

RESOLVE TO AMEND THE CONSTITUTION SO AS TO PROVIDE FOR  
BIENNIAL ELECTIONS.

To provide for  
biennial elec-  
tions.

*Resolved*, By both Houses, That it is expedient to alter the Constitution of this Commonwealth by the adoption of the subjoined article of amendment; and that the said article, being agreed to by a majority of the Senators and two-thirds of the members of the House of Representatives present and voting thereon, be entered on the journals of both Houses, with the yeas and nays taken thereon, and referred to the General Court next to be chosen; and that the said article be published, to the end that if agreed to in the manner provided by the Constitution, by the General Court next to be chosen, it may be submitted to the people for their approval and ratification, in order that it may become a part of the Constitution of the Commonwealth.

### ARTICLE OF AMENDMENT.

Senators and representatives shall hold their respective offices for terms of two years, beginning with the first Wednesday in the January succeeding their election, and continuing until the day appointed for the assembling of the next succeeding general court.

The governor, lieutenant-governor, and councillors shall hold their respective offices for two years next following the first Wednesday in the January succeeding their election, and until others are chosen and qualified in their stead.

The secretary, treasurer and receiver general, auditor, and attorney-general shall hold their respective offices for two years, beginning with the third Wednesday in the January succeeding their election, and until others are chosen and qualified in their stead.

A person shall be eligible as treasurer and receiver-general for three successive terms, and no more.

The first election to which this article shall apply shall be that held on the Tuesday next after the first Monday in November in the year eighteen hundred and eighty-six, and thereafter elections for the choice of all the officers before mentioned shall be held biennially on the Tuesday next after the first Monday in November.

All the provisions of the existing constitution inconsistent with the provisions herein contained are hereby annulled.

SENATE, February 10, 1885.

The foregoing Article of Amendment is agreed to, a majority of the Senators present and voting thereon having voted in the affirmative; and the same is referred to the General Court next to be chosen.

A. E. PILLSBURY, *President*.

HOUSE OF REPRESENTATIVES, February 24, 1885.

The foregoing Article of Amendment is agreed to, two-thirds of the members of the House of Representatives present and voting thereon having voted in the affirmative; and the same is referred in concurrence to the General Court next to be chosen.

J. Q. A. BRACKETT, *Speaker*.

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RESOLVE TO AMEND THE CONSTITUTION SO AS TO PROVIDE FOR  
BIENNIAL SESSIONS OF THE GENERAL COURT

*Resolved*, By both Houses, That it is expedient to alter the Constitution of this Commonwealth by the adoption of the subjoined article of amendment; and that the said article, being agreed to by a majority of the Senators and two-thirds of the members of the House of Representatives present and voting thereon, be entered on the journals of both Houses, with the yeas and nays taken thereon,

To provide for  
biennial sessions  
of the general  
court.

and referred to the General Court next to be chosen ; and that the said article be published, to the end that if agreed to in the manner provided by the Constitution, by the General Court next to be chosen, it may be submitted to the people for their approval and ratification, in order that it may become a part of the Constitution of the Commonwealth.

## ARTICLE OF AMENDMENT.

Biennial  
sessions of the  
general court.

The general court chosen on the Tuesday next after the first Monday in November in the year eighteen hundred and eighty-six, shall assemble on the first Wednesday in January in the year eighteen hundred and eighty-seven, and thereafter the general court shall assemble biennially on the first Wednesday in January ; and each general court shall, without any proclamation or other act of the governor, be dissolved on the day next preceding the day so appointed for the assembling of the next succeeding general court, but nothing herein contained shall prevent the general court from assembling at such other times as it shall adjudge necessary, or at any times when it shall be called together by the governor.

All the provisions of the existing constitution inconsistent with the provisions herein contained are hereby annulled.

SENATE, February 26, 1885.

The foregoing Article of Amendment is agreed to, a majority of the Senators present and voting thereon having voted in the affirmative ; and the same is referred to the General Court next to be chosen.

A. E. PILLSBURY, *President*.

HOUSE OF REPRESENTATIVES, March 12, 1885.

The foregoing Article of Amendment is agreed to, two-thirds of the members of the House of Representatives present and voting thereon having voted in the affirmative ; and the same is referred in concurrence to the General Court next to be chosen.

J. Q. A. BRACKETT, *Speaker*.

## RESOLUTIONS.

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### RESOLUTIONS TENDERING THE SYMPATHY OF THE LEGISLATURE TO GENERAL GRANT.

*Whereas*, The legislature of Massachusetts have heard with sorrow of the severe illness of Ulysses S. Grant, the foremost citizen of the Republic, and desire to express their appreciation of his high character and inestimable services; therefore,

Sympathy of the  
legislature  
tendered to  
General Grant.

*Resolved*, That they hereby tender to him their sincere sympathy, and their hope for his speedy restoration to health.

*Resolved*, That the clerks of the two branches forward a certified copy of the above preamble and resolution.

*In House of Representatives, adopted March 30, 1885.*

*In Senate, adopted in concurrence, March 31, 1885.*

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### RESOLUTIONS IN HONOR OF THE LATE SERGEANT THOMAS PLUNKETT.

*Resolved*, That Massachusetts cherishes with grateful and tender respect the memory and services of the late Sergeant Thomas Plunkett, for many years an officer of the House of Representatives; that it shares to the fullest measure the admiration that belongs to the gallant deed which has enrolled him forever in the world's list of brave men as "the armless hero of Fredericksburg."

In honor of the  
late Sergeant  
Thomas  
Plunkett.

*Resolved*, That we honor the manliness and courage with which, through many years of usefulness, he conquered the burden and sorrows of his great sacrifice for his country and her flag.

*Resolved*, That there be entered on the records of the two branches of the legislature this testimony to the fidelity, intelligence and industry that made him eminently useful on whatever rolls his name was borne.

*In House of Representatives, adopted March 18, 1885.*

*In Senate, adopted March 19, 1885.*

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The General Court of 1885, during its annual session, passed three hundred and eighty-eight Acts and eighty-one Resolves, which, with one exception received the approval of the Governor; an act entitled "An Act authorizing cities and towns to establish water rates, and to sell water for manufacturing purposes at reduced rates," laid before the Governor, on the 19th of June, was not approved by him, and did not acquire force of law, as the legislature adjourned within five days thereafter

The General Court was prorogued on Friday, June 19, the session having occupied one hundred and sixty-four days.

## INAUGURAL ADDRESS

OF

HIS EXCELLENCY GEORGE D. ROBINSON.

At half-past twelve o'clock on Thursday, the eighth day of January, His Excellency the Governor, accompanied by His Honor the Lieutenant-Governor, the members of the Executive Council, and officers of the civil and military departments of the government, attended by a joint committee of the two Houses, met the Senate and House of Representatives in Convention, and delivered the following

## ADDRESS.

*Gentlemen of the Senate  
and of the House of Representatives.*

In addressing you upon the important concerns of the Commonwealth, I desire to say at the outset that it seems unnecessary to repeat generally the facts and suggestions made by the various public officers in their annual reports upon the conditions and wants of the departments and institutions under their charge, or to comment at length upon their ordinary management. It affords me much pleasure to testify to the ability, fidelity and integrity with which the affairs of the State have been conducted by those charged with these great trusts. The public institutions have become so numerous, and the responsibili-

ties and supervision have been so apportioned to the various officials, that specific mention of the details of administration by individual officers becomes impracticable. I refer you to the documents that will be officially transmitted.

## FINANCIAL STATEMENT.

Funded debt, Jan. 1, 1884, . . . . .	\$31,436,680 90
“ “ “ 1885, . . . . .	31,432,680 90
Decrease, . . . . .	\$4,000 00
Amount of sinking funds, Jan. 1, 1884, . . . . .	\$16,836,672 06
“ “ “ “ 1885, . . . . .	17,731,724 94
Actual increase, allowing for payment of loans (\$4,000), . . . . .	\$899,052 88
Actual expenses, 1883, . . . . .	\$4,777,565 88
“ “ so far as ascertained, 1884, . . . . .	4,691,744 44

## ESTIMATES FOR 1885.

Payments for all purposes, . . . . .	\$4,992,365 00
Receipts, in addition to cash on hand, but not including direct tax, . . . . .	4,500,664 89
Deficit, . . . . .	\$491,700 11

A State tax of \$1,500,000 will cover this deficiency and leave upwards of a million dollars in the treasury. No larger sum need be raised unless your legislation shall necessitate increased appropriations, or offer other objects for expenditure.

## TROY AND GREENFIELD RAILROAD AND HOOSAC TUNNEL.

The legislature of 1883 by Resolve, chapter 48, authorized and requested the Governor, with the consent of the Council, “to conclude a contract between the corporation established as the Troy and Greenfield Railroad Company, by which the entire right and interest which said corporation may have or claim in or to the property known as the Troy and Greenfield Railroad and Hoosac Tunnel, including the Southern Vermont Railroad, and the franchises to operate such property, shall be released to the Commonwealth, either for such a sum of money as may seem reasonable to the Governor and Council, or in

exchange for the obligation and undertaking of the Commonwealth to pay over and transfer to said corporation a proportionate part of the proceeds thereafter received from the sale, transfer, or use of said tunnel and railroad properties and franchises if it can be done upon reasonable terms, to the satisfaction of the Governor and Council." For concluding any contract so authorized, any sum of money remaining in the treasury and not otherwise appropriated was set apart for use under the direction of the Governor and Council. No further action upon this matter was taken during the year 1883. This fact was reported early in 1884 to the General Court in answer to a resolution of inquiry, and as no revocation of the authority followed, the Governor and Council regarded it their duty to proceed at once to effect a just and reasonable settlement of this long-standing claim. Negotiations were opened with the officers of the corporation. It was at once apparent to the Governor and Council that no satisfactory solution could be had in any arrangement dependent for its realization of results to either party upon a contract hereafter to be made in the sale, transfer, or use of this important and valuable property. An adjustment was therefore effected upon a basis of a money payment in consideration of a release to the Commonwealth of all the outstanding adverse interests held by the company, and the establishment of a full title in the Commonwealth to all the said tunnel and railroad properties and franchises, subject to an incumbrance in the form of a judgment, on which execution had been levied. Three hundred thousand dollars was agreed upon in full payment for such release and transfer, of which sum one hundred thousand dollars was paid to the corporation as consideration for its deed of conveyance and release, and eight dollars for each and every share of the capital stock of the said corporation assigned to, or for the benefit of, the Commonwealth. The object arrived at was to bring together all legal and equitable interests in this property and secure them in the ownership of the State. It is believed that not only in the method taken to accomplish the desired result, but in the amount paid for the purchase, the Commonwealth secured a most favorable settlement. The whole number of shares of stock issued was 25,000, of which 21,066 have already been paid for and assigned. The outstanding shares number 3,934, of which 600 stand in the name of

the town of Adams, and 330 in the name of Williamstown. It is altogether probable that these towns will take early action, giving their respective officers the power to make assignment of their shares. Other transfers will undoubtedly be made from time to time. The financial statement of this transaction so far completed, is as follows: —

Paid Troy and Greenfield Railroad Company, . . .	\$100,000 00
“ for 21,066 shares of stock, . . .	168,528 00
Discharge of judgment lien above referred to, . . .	5,724 69
Expense of search of records, registry fees, etc., etc., . . .	176 02
	<hr/>
	\$274,428 71

The State is now no longer a mere mortgagee of this important property, subject to, and embarrassed by, claims to the right of redemption or for equitable relief, but the absolute owner, competent to deal as it will, and free from entanglements and obstacles which have heretofore made it impossible to legislate upon the subject for the best financial and business interests of the State and the people at large.

From the manager I have received the following statement of the business of the road during the year ending Sept. 30, 1884: —

Receipts from gross earnings as per contract, . . .	\$281,414 13
Receipts from other sources, . . .	34,961 25
	<hr/>
Total, . . .	\$316,375 38
Expenses of operation of the road, . . .	\$192,430 61
Expense of performing service for other roads repaid to the State, . . .	26,595 51
	<hr/>
	219,026 12
Net earnings, . . .	\$97,349 26
Paid to operating companies on account of business of 1882, . . .	\$26,245 34

Claims for allowances to operating roads on account of business in 1883 are still pending on appeal from the award of the railroad commissioners. The net income to the State for the business of 1884 is less by several thousand dollars than that of 1883, due in part to the increased expense of operating a double-track road and in part to the reduced rates for freight transportation. The manager has expended for the second track and for the bridges \$173,248.29, and reports the same finished,

except Bardwell's bridge, a length of about 800 feet. There is sufficient money unexpended out of the appropriations to complete the work, and by February next it is anticipated the whole line will be in use. It is an encouraging announcement that no appropriation will be required during the current year.

#### NEW YORK AND NEW ENGLAND RAILROAD.

During the year 1884, the management of this road passed under the direction of court into the hands of a receiver, and such control still continues. Under the legislative resolve, the Treasurer of the Commonwealth, with the approval of the Governor and Council, has protected the interests of the State in the bonds of the company by taking such conservative action as seemed to be required to that end, without unnecessarily embarrassing the management and development of the line.

First mortgage bonds to the amount of \$10,000,000 are outstanding. Second mortgage bonds to the amount of \$2,833,000 have been issued, of which the Commonwealth owns \$1,737,000. Coupons for interest have been paid to the State to February last. The August coupons are unpaid, but no proceedings to enforce payment by foreclosure can be taken until the default has continued six months. The Treasurer and Auditor, acting as commissioners of the sinking fund, have consented, on consideration of a like agreement by the other second mortgage bondholders, to accept for the August interest additional second mortgage bonds. I believe this action will be generally commended in view of the present condition of business and the financial interests of the Commonwealth.

#### SAVINGS BANKS.

The conservative course which has, in general, marked the management of the savings banks in the State since the passage in 1876 of the general act in relation to these corporations, has placed them in good condition to protect and maintain the interests of their depositors during the present industrial and financial depression. No legislation concerning them appears to be required.

The Commissioners submit the following statement to October 31, 1884:—

Number of banks, . . . . .	168
Number of depositors, . . . . .	826,008
Total of deposits, . . . . .	\$262,720,146 97
Increase in number of depositors during the year, . .	19,998
Increase in total of deposits during the year, . . .	\$10,112,553 35

When it is observed, on inspection of these and other details, that in spite of hard times that affect most seriously the people of scanty income, constituting the great body of depositors, in one year the number of depositors has increased nearly twenty thousand, the deposits have advanced more than ten million dollars, and the earnings and dividends considerably exceed those of the year preceding, no better proof is needed of the efficiency and security of the system and of the general maintenance of industry, thrift and economy.

#### BIENNIAL ELECTIONS AND SESSIONS.

Had the House of Representatives in the last General Court expressed its judgment upon this subject by a two-thirds vote in favor of the proposition to amend the constitution, submitted by the legislature of 1883, the question would already have been passed upon by the people and an authoritative decision obtained. There can be no doubt that the discussion for and against the wisdom and policy of a change in this regard will continue until it is presented for popular determination. I take the liberty to renew my recommendation for favorable action, believing that the system, which is in so general operation in all the other States save one, will be safe and satisfactory in our own Commonwealth and be approved by the people. So far as I have been able to measure the prevailing sentiment, irrespective of party connections, it strongly favors this reform and awaits only the opportunity to express itself.

#### ELECTIONS.

By a decided majority your immediate predecessors adopted statutes prescribing the methods of determining the qualification for the right of suffrage, and of conducting elections of officers. It is but justice to recognize the earnestness and integrity with which members, irrespective of party allegiance, supported these measures in the interests of purity, honesty and correctness in the exercise of the elective franchise, and it is not too much

to assert that the people will condemn any attempt to destroy the safeguards that have been established. No subservience to a partisan demand to nullify the regulations that are essential to the reception and record of the popular voice in matters of such transcendent importance, can be justified. The Secretary of the Commonwealth, in response to inquiries made of city, town and precinct officers, has received from all parts of the State abundant testimony to the substantial wisdom and efficiency of these laws. I commend to your careful discretion the clear necessity of maintaining the force of these provisions, and of permitting amendments thereto only so far as shall be required to perfect the system. Doubt has been expressed whether the act concerning elections and voting therein applies to the election of town officers. It is expedient to remove any real ambiguity or uncertainty in this regard, in season for the approaching annual meetings. No man who properly estimates the right of suffrage, will object to such conditions and restrictions as secure his own privileges and protect him against the fraud, which, if successful, will neutralize his lawful vote. All necessary delay in obtaining the fair results of an election will be patiently borne when it is considered that honesty and accuracy are of prime importance. Recent occurrences in this and other States demonstrate nothing more clearly than the demand for strict fairness at the ballot-box and complete obedience to the will of the people thus expressed.

#### MILITARY DEPARTMENT.

Under existing laws the authorized force of organized militia is 336 officers and 4,486 enlisted men, an increase under the provisions of chapter 230, Acts of 1884, over last year, of two officers and fifty men; but the real strength at the present time is 306 officers and 3,881 enlisted men. The inspector-general reports that the average attendance, exclusive of the bands, for the year just closed, shows an increase over 1883 of 326 at the annual drill, and 416 at the encampments, showing a most gratifying gain in effectiveness. Notwithstanding the pay and transportation accounts are thereby necessarily greater, the department has not expended to the limit of the appropriations made in its support; and I take much

pleasure in saying that the Commonwealth has at command a strong, well-disciplined and efficient military force, ready for service at a moment's call, managed with directness and vigor, and without extravagance of outlay. Under the new system of armory inspections a rigid examination into all details has been made at every armory in the State by officers in the inspector-general's department, and marked improvement is shown in the conduct of officers and men, in the discipline and drill of the different commands and in the care of armories and of the property belonging to the State. My own observation at the encampments and at other points where the militia were on duty, confirms the favorable reports made by Adjutant-General Samuel Dalton, and by Colonel A. C. M. Pennington, of the United States 4th Artillery, who was specially detailed to inspect the Massachusetts camps, and to report to the Adjutant-General of the United States. It will materially strengthen the military establishment if the people generally will encourage in every practicable way the men who give their time to this most important public duty, and if employers in particular will grant, from time to time, the necessary leave of absence from their service to those who enlist in the soldiery of our Commonwealth. The need of new clothing for the militia is plainly stated by the Adjutant-General in his report, with his estimate of the probable expense necessary therefor, and I invite your attention to the matter with a view to such action as shall be deemed advisable.

Numerous applications have been made to me under section 127 of chapter 14, Public Statutes, and section 15 of chapter 230 of the Acts of 1884, to permit certain associations in addition to the organized militia to parade with arms in public at their pleasure, but I have uniformly declined to grant the same, except on occasions connected with the celebration of some public event or important anniversary. The State expends annually a considerable sum for the support of the militia, and relies confidently upon the loyalty and devotion of active young men to fill up the ranks and bear the burdens and responsibilities of military life in the interests of public protection. If the desire for martial display and experience is to be gratified by membership in independent associations that recognize no special obligation to the Commonwealth, and are not subject to the orders of her military authori-

ties, a serious impairment of the enthusiasm and vigor in our militia force may be expected, and it will become well-nigh impossible to secure additional enlistments sufficient to reach the maximum number now authorized.

It has been the uniform practice for many years to allow to cities and towns, under the provisions of chapter 14, sections 92 to 99, Public Statutes, a sum deemed reasonable compensation for the occupation of armories and headquarters provided as required in said sections, irrespective of the question whether the city or town owned or hired the building in which the armory or headquarters was located. My own view is, that there is no authority for such allowance to a city or town owning the armory or headquarters, and the Attorney-General has rendered me an opinion to the same effect. Claims for armory rents for the last year to the amount of \$11,540.97, on which according to the usual scale of allowance, \$7,700 would be paid, have been disallowed for this reason, and it is for you to say whether special relief shall be granted in these cases and the law changed to establish a different rule for the future.

The Governor may lend temporarily tents or camp materials to certain schools, academies and other educational institutions under such restrictions as he deems proper, security being given for the safe keeping and return of the property. And the Quartermaster-General, under the direction of the Commander-in-Chief, may lend military camp equipage to posts of the Grand Army of the Republic, in certain cases, and upon a bond for its return. There is no statute authority in general for loaning ordnance, small arms, or other equipments, but special acts to that effect have been passed, from time to time, in behalf of cities, towns, schools and institutions. An investigation was made by the Adjutant-General under my direction, to ascertain the condition and location of such property, and it was found that in many cases it was lost, in whole or in part; in others it was practically abandoned without custody or care; and in still others the recipients could give no account of it or admit its reception until it was proved by the written acknowledgment therefor. Much of this material has been called in and sold as condemned property. I venture to suggest the general inexpediency of making these loans, and to say that upon the outbreak of some serious popular excite-

ment or disorder, effective weapons might thereby be found within easy reach by dangerous persons, and turned against the property and lives of the orderly and law-abiding members of the community.

The State arsenal property at Cambridge, not having been in use for military purposes since the establishment was made at Framingham, was sold at auction last June, under the authority given the Governor and Council in 1881, for \$35,000, and the proceeds were turned into the treasury.

I commend to your consideration the Surgeon-General's report, in which is embraced his statement of the need of organizing an ambulance corps in connection with our militia force.

#### LIQUOR LAWS.

The increased vote in favor of licenses for the sale of intoxicating liquors in cities and towns affords no justification for an argument against a vigorous and efficient enforcement of the laws. The provisions of the statutes should be maintained, and such additional legislation be enacted as shall be reasonably demanded to overcome the defiance of the law breaker and to punish his crime. Complaints have reached me from various sources that the will of the people is often thwarted by the want of strict regulations to secure a fair vote, and a correct return in the decision of the question of license in cities and towns, and this is a matter of so grave importance that I suggest the expediency of extending some of the more efficient provisions of the election laws to the methods of taking the vote on this subject.

#### DISTRICT POLICE.

The number of officers on this force is limited by statute to sixteen. I approve of the recommendation of the chief that the force be increased. Year by year since 1879, when the appointment of such officers was authorized, the legislature has imposed upon them important duties. In addition to the exercise of the ordinary powers and duties of constables (except the service of civil process), policemen and watchmen, these officers are called on to act as detectives; to assist the district attorneys in the prosecution of criminal business; to attend

to the enforcement of the laws relating to the hours of labor, the schooling of children, the employment of women and minors in manufacturing, mechanical and mercantile establishments; to inspect factories, workshops, public buildings, elevators, tenement and lodging houses; and to require safety appliances and other proper provisions for protection in case of fire in hotels and public buildings and other structures where large numbers dwell or assemble. Investigations are also made by these officers, at the instance of the Executive and of the commissioners and trustees of the various institutions, to aid in the administration of public affairs, touching many of the most important interests. Their aid in these matters is quite indispensable. A moment's consideration of these great responsibilities will suffice to show that sixteen men, however efficient and vigilant, are unequal to the demands thus made upon them, and that the public cannot have that security throughout the State which the laws profess to give. I feel as strongly as possible the necessity of avoiding any unwarranted increase in the public expenditures, but neglect of so important concerns may lead to irreparable loss. A single disaster, involving the destruction of many lives, which might have been saved by a proper inspection, would not fail to bring sharp condemnation of a policy that set off against the protection of the public the saving of a few hundred dollars a year.

#### PUBLIC SCHOOLS.

Massachusetts has always been deeply interested in popular education, and never more so than at the present time. This interest is manifested by the amount of money voluntarily raised for the support of schools, by the length of time the schools are maintained and by the attendance of children upon them.

The entire amount raised last year for all school purposes was \$6,502,359.24, providing an allowance of \$19.34 for each child between five and fifteen years of age. Of school age there are 336,195 persons, showing an increase for the year of 6,736. Of all ages there were 342,012 pupils in the public schools, and schools were maintained an average of nine months' time in all the cities and towns, and showed ninety per cent. of attendance based on the average membership. Thirty-eight cities and towns have sustained 125 evening schools, affording instruction to 13,251 pupils.

Satisfactory results are already shown in the operation of the free text book law, which went into effect in August last. Among other advantages, the new system reduces in a large amount the expense of providing school books and school supplies formerly paid by individuals, enables the teachers to effect prompt organization of their schools and a better classification of the pupils at the beginning of the terms, increases the attendance, removes mortifying distinctions possible under the old system and makes the public schools of the Commonwealth literally free schools, offering equal opportunity to all children alike.

The Commonwealth, having made most liberal and efficient provision for the education of the young, should adopt and enforce every practicable measure to realize the invaluable benefits of the common school system. By it the well-being of the people is conserved in the highest degree; the safety of the State demands it. It is well for you to consider whether it is not possible to make the laws concerning truancy more directly and vigorously applicable to the varied conditions in the towns and cities. The truant is in danger of entering upon a life of peril to himself and everybody else. The hardened criminal, incarcerated in a penal institution, has in too many instances grown up from the runaway boy, that successfully defied parents, school authorities, and avoided the instruction and discipline essential to orderly and intelligent manhood. The laws prescribing duties of towns and cities in regard to truant children and absentees from school are embraced in sections 10 to 17 inclusive of chapter 48 of the Public Statutes, and compliance therewith is sought to be secured by making the loss of a share of the income of the school fund the penalty for non-observance. It is not to be expected that all or even many of the towns will require a separate school for truants; the provision for one in each county is sufficient for all immediate and prospective wants.

Such institutions may be established at no inordinate expense; and when prudently managed, not as prisons, but more on the family and industrial plan (of which there are already examples in the State), they will overcome the prevailing prejudice and correct serious evils.

Intelligent and thorough supervision contributes much to the excellence of the public schools. The advanced condition of the schools in the cities and large towns

affords the best proof of this fact. Smaller towns may have the benefit of this important agency by union in districts, and by supporting together a district superintendent. In several instances of trial of this method most successful results have been accomplished, and the need of its wider application has been abundantly demonstrated. Any practicable measure looking to and encouraging the adoption of the system generally throughout the State should receive your earnest support.

#### AGRICULTURE.

Relatively to other pursuits, it is safe to assert that the agricultural interests of the Commonwealth are prosperous. The prevailing depression has not yet seriously affected the farmer, and the reduction in the prices of the staple cereal products of the West will not be detrimental directly to our farming interests, nor so ultimately unless reaction upon our leading Eastern industries shall come. No special legislation is now asked by the Board of Agriculture.

The liberal action of the last legislature in favor of the Agricultural College has enabled the trustees to make extensive and necessary repairs of the old buildings that could not be safely delayed, to complete a house for the president within the college grounds, and to build, under one roof, a chapel, library and recitation rooms. Reasonable appropriations to furnish the building, and to provide for the ordinary wants of the college should be made.

#### PROVINCIAL LAWS.

In 1865 and 1867 authority to publish the acts and laws of the province of Massachusetts Bay was given, and to the present time four volumes have been issued and distributed, and another volume is in the hands of the printer. The expenditures, authorized by appropriations from year to year, amount now to \$77,505.75. The work, without doubt, has been well done; but would it not be well to inquire what limit to its extent and cost is reasonably proper? The Governor and Council, to whom the authority for publication is committed, can exercise but little discretion in this matter, in view of the grants of money made by the legislature from time to time.

## PUBLIC HEALTH.

Epidemic cholera is making its progress westward, and, guided by the history of this disease, we may reasonably expect its appearance in the United States during the coming summer. While the general sanitary conditions in our cities and towns may be justly regarded as favorable to protection against widespread invasion of pestilence, careful and thorough inspection should be at once enforced. Permanent boards of health should be established in towns, embracing in their membership one resident physician, the terms of office to be so arranged that the boards shall keep up their organization from year to year. The application of this system can be made without imposing so great additional expense as to be regarded burdensome in view of the importance of the subject, and of the benefits sure to follow. Other recommendations of the State Board of Health, Lunacy and Charity, looking to the preservation of the public health, deserve your attentive consideration.

## LUNACY.

It is estimated that there are now fully 6,300 insane persons in the population of the State, of whom 5,000 are from time to time in the year in general hospitals and asylums, and about 700 more maintained at public charge in city and town almshouses, local asylums, private families and prisons. The probable increase in the number of the insane is not less than 200 a year. It is clear that the State hospitals and asylums afford insufficient room and means to provide for the increasing number of cases; and were it not for the large number of the harmless chronic insane — say 700 — now distributed chiefly among the town almshouses, where in some instances they are insufficiently cared for, the means now provided by the State and municipalities would be utterly inadequate to the proper treatment of the insane in Massachusetts. It seems to me that if the State attempts to provide additional accommodations, it should be done by the erection of suitable buildings in connection with present establishments. This work can be accomplished on a comparatively inexpensive plan, with no purpose except to provide for safety and reasonable comfort. Enough has already been spent to demonstrate the folly of erecting costly and

imposing structures, poorly adapted to needs. The plan here suggested will avoid a greatly increased cost of maintenance necessitated by provision for an expensive outfit and for the employment of high-salaried officials. There would seem to be no insurmountable difficulty in caring for a largely increased number of the insane at some of our hospitals by this method, provided a proper classification be maintained. It may be well to consider also the expediency of making compulsory upon cities of more than 50,000 inhabitants, the provisions of chapter 234 of the Acts of 1884, concerning asylums for the chronic insane.

The trustees of the Danvers Lunatic Hospital, in their report, discuss the principle and operation of sections 20 and 21 of chapter 214 of the Public Statutes, which provide for the commitment and discharge of a person indicted for murder or manslaughter and acquitted by the jury by reason of insanity. One such person is now detained in that hospital. After he had been indicted for murder, the Supreme Judicial Court, upon hearing, found him insane, so that he could not properly be put to trial, and he was thereupon committed to the hospital. Subsequently, his sanity having become established, he was tried, found not guilty because of his insanity at the time of the homicide, and then, as commanded by statute, he was sent by the court to the lunatic hospital for life, having no benefit from the finding of the court that he had recovered from such insanity.

It may be said that a person so committed may be discharged by the Governor, with the consent of the Council, when he is satisfied, after a hearing, that such person may go at large without danger to others. But the Executive may well hesitate to assume so grave a responsibility in view of the fact that no discretion is allowed the court before order of commitment for life, notwithstanding it may be shown, as in the case cited, that the person had become sane. There are many questions of great moment arising here.

The authority to discharge constitutes no portion of the constitutional power to pardon offences, for the reason that there is no conviction. Why may not the court, before whom the trial is had, and before whom have come all the facts in former inquiries, be entrusted with final jurisdiction? Commitment and detention may be required

until further order of the court. This will tend more certainly to secure justice to the persons directly concerned, and maintain the protection of the public.

If, however, it be still regarded advisable to retain the power of discharge in the Governor and Council, I suggest that they be authorized to make such discharge absolute, or upon such conditions as to residence, examination from time to time, and other matters, with such restrictions and upon such limitations as they shall deem proper. The person in custody may be thereby sustained against liability to a recurrence of his insanity, and dangers therefrom to others averted so far as possible. This power to impose conditions will manifestly prove a more efficient check and corrective than the existing authority to institute original proceedings in lunacy.

I invite your especial attention to the arguments of the trustees and of the superintendent in favor of clear directions fixing the conditions of custody and confinement of persons committed pursuant to the statutes cited.

#### THE COURTS.

That the justices of the Supreme Judicial Court are overburdened and overworked seems to be admitted without question. It needs no argument to prove that the interests of the Commonwealth will be served by granting sufficient and speedy relief. If no other measure can be agreed on, let something be done by the transfer of divorce causes and kindred matters to the Superior Court. Apart from considerations of sentiment, it is difficult to discover any objection to such a change. The system on which the Superior Court is established admits of ready relief by an increase in the number of justices, in case the duties become too exacting because of this transfer or for other reasons.

#### MEDICAL EXAMINERS.

The statute providing for the appointment of medical examiners has been in operation seven years, and on the whole has proved to be satisfactory. Now that its workings have been so thoroughly tested, it may be advisable to consider propositions for its modification.

When an examiner has notice that there has been found, or is lying, within his county, the dead body of a person who is supposed to have come to his death by violence,

he is required to take charge of the body, and if on view thereof, and personal inquiry into the cause and manner of death he deems a further examination necessary, he shall, upon receiving certain official authority, make an autopsy in the presence of two or more discreet persons. The object is to ascertain the cause and manner of death, and to lay the foundation for proper proceedings thereafter; but when the cause and manner of death are entirely plain upon a view or inquiry, an autopsy is unauthorized. Observe the plain intent of the law. First, a view and personal inquiry; then, an autopsy is to be made only in case, on the examiner's judgment, a further examination is necessary to determine the cause and manner of death. If the view and inquiry disclose the essential facts, the power is exhausted. An autopsy is futile, in case it can add nothing to the information apparent on view or inquiry. An inquest must be held in all cases of death by accident upon a railroad, but no higher or different order of proof is required therein than under other circumstances. Instances have come to my knowledge in which the examiner has held an autopsy over the body of a person killed instantly by a railroad accident, in broad daylight, in the presence of several spectators, the body being literally torn into fragments. As an illustration of objectionable practice in such a case, I give a medical examiner's report of an autopsy conducted by him:—

“Autopsy. Found head and left arm severed from body; right arm broken at wrist joint, and right leg and foot badly broken and mangled.”

It ought not to be possible for an officer to practice such abuse of official power, and the district attorneys, mayors and selectmen should be held to greater vigilance in the exercise of their authority, which alone enables the examiner to so proceed. As it is now, with the exception of the officers paid a fixed salary, the examiner needs only to hold an autopsy in every case to increase his fee from four dollars to thirty dollars, and the county or state treasury must respond. It must not be understood that all, or even a majority of medical examiners in commission, put so lax a construction upon the statute authority; but the opportunity for unprofessional conduct endangers the public interests, and tends to bring

into disrepute all these officers, to whom are entrusted so great responsibilities. Large discretion must be given in the interests of public safety and justice, but an efficient restraint in this regard is demanded. To this end, and also for other purposes, I suggest that medical examiners be required to report all autopsies to the district attorneys, and make oath in each case that in their judgment the cause and manner of death could not be ascertained by view and inquiry, and that an autopsy was fairly necessary for that purpose; that it be made the duty of district attorneys to examine such reports, and to certify to the county commissioners whether, in their opinion such autopsy was required; and that no fee for an autopsy be paid without the approval of the district attorney so expressed. Further, let medical examiners make report at definite periods of all cases investigated by them, to the State Board of Health, Lunacy and Charity, upon blanks to be furnished by the Secretary of the Commonwealth for that purpose.

It is probable that the need of other amendments defining certain words and clauses, fixing the rate of fees, and otherwise making clear the intent of the statute, will be presented for your consideration.

#### PAYMENT OF WAGES.

In the inaugural address delivered a year ago, I urged upon the favorable consideration of the legislature the justice of the appeal made by wage earners for more frequent payment of the compensation for their labor, and endeavored to set forth substantial reasons in its behalf. Though the subject was examined at great length by the appropriate committee and was fully discussed, no relief was granted. I cannot, however, regard the issue closed or the agitation fruitless, and without presuming upon your patience by a repetition of the arguments in support of the desired legislation, I must not fail to express my conviction in the wisdom of requiring corporations to adopt a practice in this regard which will surely bring greater independence, readier means and more general contentment among those whose labor is their only capital, and without whose welfare, whatever the advancement of all others, the State can never reach its highest degree of prosperity and power. Several of the chief

employers of labor have voluntarily taken the initiative in the adoption of the reformed system and demonstrated its feasibility and efficiency. No argument, however subtle or forcible, urging the impolicy of such action, or the inconvenience or expense of frequent payment, answers the logic of necessity which those feel whose toil day after day only suffices to keep soul and body together and whose whole earnings in a year do not exceed in dollars the number of working days. It is manifestly for the interest of the Commonwealth that the laborer be relieved to the utmost of the unavoidable burdens of the credit system, the costs and vexations of petty suits, and an enforced dependence upon the will of others for opportunities to change his employment or to avail himself of the other advantages that may contribute materially to greater freedom and success.

#### CIVIL SERVICE.

The Civil Service Commissioners, appointed under the provisions of an act passed by the last legislature, have prepared rules which have been approved by the Governor and Council and which will go into operation on the thirtieth day of March next. Under the authority given them by the act the Commissioners have limited the application of these rules to those branches of the service in which a considerable number of persons are employed, and in which there is the strongest temptation to use the appointing power for personal or partisan purposes. The system proposed is believed to be perfectly plain and practical, and well adapted to show the relative fitness of applicants for the public service and to secure impartiality in the selections for appointment. This method of improving the civil service can no longer be considered an experiment. Most satisfactory results appear to have been already secured in national, state and city administration, and the system has already taken a permanent place, sustained by prominent members of all political parties. The statute now in force seems to be ample in scope and power for present needs, and an extension of the system may be secured by the adoption of other rules.

## OFFICIAL BONDS.

The statutes require various state officers to give bonds, with sureties, for the faithful performance of their duties, and generally the Treasurer of the Commonwealth is made the custodian of these instruments. But no examination is made from time to time to determine the sufficiency of these securities. It has happened that after the lapse of years, bonds have been found, after default, to be utterly worthless, by reason of the death or insolvency of the sureties, and the Commonwealth remediless. Would it not be prudent to make it the duty of the Governor and Council to inspect annually all such bonds, power being given to declare the office vacant if satisfactory additional security be not furnished when required?

## INSURANCE.

The Insurance Commissioner has nearly completed the triennial examination of the Massachusetts insurance companies with results that confirm the title of these institutions to the public confidence, as will particularly appear in the forthcoming annual report.

The urgent need of more explicit legislation defining the powers and obligations of corporations under chapter 115 of the Public Statutes, engaged in life insurance business, is generally recognized. In the opinion of the Attorney General, given in reply to the inquiry of the Insurance Commissioner, certain of these associations, organized on a distinctly business basis, have exceeded their corporate privileges and are doing an insurance business unauthorized by statute. The Commissioner will invite attention to the subject more specifically in a communication containing definite information and suggestions. As the matter is of important concern, affecting many thousands of our people who resort to these associations to assure a beneficial provision for their families, and whose interests the State should sedulously guard, I commend it to the careful consideration of the Legislature, advising such action as shall uphold the integrity of the laws and protect fully all parties in interest as well as the honor of the State.

## SYSTEM OF DRAINAGE.

The Commissioners appointed under chapter 63 of the Resolves of 1884 inform me that they have approved a general plan which has been prepared by their engineer, but before laying out the work upon so thorough and comprehensive a scale as the plan contemplates and the public interests require, they deem it their duty to say that the sum of twenty thousand dollars, appropriated for the purpose, is believed to be insufficient, without any allowance even for the compensation of the commission. An investigation less complete and reliable can be made within the amount stated, but the Commissioners express an unwillingness to enter upon a matter of so great and growing importance without inviting the Legislature to reconsider the subject and to give further directions for their guidance. I am confident that the prudence of the Commissioners in declining to commit the State to an unauthorized expenditure will be universally commended, and that you will accord to their suggestions deliberate and wise consideration.

## TOPOGRAPHICAL SURVEY.

The State Survey Commission, appointed under chapter 72 of the Resolves of 1884, made satisfactory arrangements of co-operation with the United States Geological Survey, and work was commenced in August and prosecuted to the close of the field season. In order to test the practical working of the plans adopted, parties were located in the more mountainous parts of the western and in the more level parts of the eastern sections of the State. The area surveyed, during a little more than three months, was 658 square miles. The amount paid on the part of the Commonwealth as its proportional share of the expense of the survey, as far as made, is \$3,057.45, and for the expenses of the Commission \$292.07, making a total of \$3,349.52.

The Commissioners recommend in their report of progress a more accurate determination of the boundary lines of the towns of the Commonwealth than at present exists, and urge the importance of better system in the location of these municipal landmarks. If city engineers and town and county surveyors adopt the practice of referring to these geographically determined points, the results will

be most advantageous in securing uniformity and precision in their work and preventing litigation arising from discrepancies between different surveys and the imperfections of the old methods of surveying with the compass and chain. Valuable example will also be set of better methods of instruction in our scientific schools in this branch of education. There are 347 cities and towns in the Commonwealth, and the number of points or angles in their boundary lines is about 1,700. It is estimated that it will take one field party three years to determine all these points by triangulation, at a cost of about \$3,000 a year. While this work can be done to great advantage in connection with the present survey and at a much less cost than would be possible if made a separate operation, it does not belong to the topography, nor is it a part of the necessary triangulation, so that the fund appropriated for these specific purposes cannot properly be used for the determination of town lines. The Commissioners therefore recommend a special appropriation of \$9,000 for the last-named purpose, to be expended under the general supervision of their board.

#### MUNICIPAL EXPENDITURES.

The principle upon which was based the statute of 1875, establishing limitations upon the power of cities and towns to incur debts is eminently sound and salutary, and thus far the General Court has sustained this legislation in its essential features. The beneficial results, no person now can seriously question. It occurs to me to suggest whether, proceeding in the same line, some limit may not prudently be placed upon the power to appropriate money for expenditures and to assess taxes therefor, perhaps on the basis of a fixed percentage of the valuation of the taxable property. Such a law, if enacted, may very properly be first applied to cities, and if with it is associated a provision authorizing the mayor to apply the veto power to separate items of proposed expenditures, a proper safeguard will be set up against an extravagant and destructive policy.

#### STATE PRISON.

The Commissioners of Prisons, as directed by the legislature of 1884, prepared for use as the State Prison the buildings in the city of Boston formerly occupied as

said prison, and after acceptance of the same by the Governor, the warden transferred to said prison all the prisoners, about four hundred and fifty, that had not been removed pursuant to statute to the Massachusetts Reformatory. The work of repairing the workshops and setting machinery is still going on under the general direction of the warden and the commissioners, and, contracts for the employment of all the available men having been made, the regular course of management will soon be established. Appropriations will be called for from time to time to bring the institution into a satisfactory condition of efficiency, convenience and security. It is altogether probable, considering the power of transfer from the state prison to the reformatory, that the number of convicts to be held in the state prison will not exceed the present accommodations; but there is ample room for all necessary enlargement.

The law provides that convicts, sentenced to the punishment of hard labor in the state prison, shall be constantly employed for the benefit of the State. This language seems to imply that no part of the compensation for their labor shall be received by the prisoners; and yet, in one form or another, overwork, the proceeds of which they have been allowed, has been in practice several years, more or less openly, continuing to the present time. As it certainly is not in plain terms authorized by law, it should be carefully considered by you, that no blame for its continuance shall rest upon the warden, the commissioners or the Executive. The system in practice may be easily understood. Contractors, with the approval of the warden, agree with the different men in their employment to consider a stated amount of work, which is assumed to be an ordinary day's labor, as a man's stint for a day, and after that is accomplished to allow him for his own use payment for work he may do in excess of his prescribed task. Such payment for the use of the men is made to the warden, who controls absolutely its expenditure, allowing portions to be sent to the families of the prisoners, or expended for certain small articles contributing to the health and comfort of the prisoners, and holding the balance for the prisoners upon the expiration of their terms of sentence. Whatever may be said of the merits of the system, I am convinced that its administration by the warden has been judicious. The proceeds received

by the State from all contracts, for the labor of the convicts for the year ending Sept. 30, 1884, amounted to \$70,117.45. For the year ending Dec. 31, 1884, there was allowed for overwork \$33,472.13, which amount was credited to the accounts of 529 men, in varying sums according to skill, industry and workmanship. Though these comparative statements do not cover precisely the same period of time, they serve properly to demonstrate the results obtained. The system under discussion has earnest advocates; and I believe I state the warden's views correctly when I say that, in his opinion, it conduces to the maintenance of discipline and good order, encourages in the men habits of industry, provides in some measure for those dependent upon them, and fits the prisoners for more useful lives when their incarceration is over. On the other hand, would not the State realize a higher price for the labor of the convicts if the contractors were bound to pay therefor solely to the State and were absolutely relieved from obligation to compensate others? It is to be observed that the warden, as custodian of the funds paid to him by the contractors for the benefit of the prisoners, acts in his individual capacity; he does not make the State responsible therefor, nor is his official bond security for the faithful performance of that trust. I do not hesitate to speak thus freely, because the present warden possesses my entire confidence in his integrity. The State may well consider, however, whether such a system in the control of a man less scrupulous, might not cause serious embarrassment and loss.

With these statements and suggestions, I commit the subject to you, urging that, for the reasons given, such action may be taken as shall express in clear terms the will of the legislature, and determine under what conditions the system shall operate if it be continued.

#### MASSACHUSETTS REFORMATORY.

The experiment of a reformatory for male prisoners has been successfully inaugurated at Concord. About one hundred and forty men are now in the institution, and by sentences in the courts and by transfer from the state prison and county houses of correction a considerable increase in number is certain. No proposals for employment have been accepted, but it is expected that

various industries will be soon introduced, which will supply the necessary work and give instruction in useful trades. In most of the essential features this institution adopts the system which has been so successful in operation at the Reformatory Prison for Women, and when its full effect shall have been realized, the State will undoubtedly find compensation for the additional expenditure in the correction of criminal tendencies, and the restoration of reformed men to the honorable rank of orderly citizenship.

#### HOMEOPATHIC HOSPITAL FOR THE INSANE.

The trustees of the Westborough Hospital have been appointed, and the plans submitted by them for the alteration of the buildings and the necessary additions thereto have received the approval of the Governor and Council. These plans apparently answer the wants of the hospital in due provision for the treatment, comfort, convenience and safety of three hundred and twenty-five patients and for the physicians, officers and attendants. Satisfactory estimates show that the work will be completed within the appropriation of one hundred and fifty thousand dollars, already made, and the trustees are unanimous in their determination not to exceed that sum. It is hoped that the hospital will be ready for occupancy before the end of the current year. An appropriation for the necessary furniture and outfit must be made. It will be necessary also to authorize the transfer or disposal of the stock, tools and other farm property now on the whole premises and in the control of the trustees of the Lyman School.

#### THE LYMAN SCHOOL FOR BOYS.

After extended examination and consideration, I am of the opinion that this school should be removed to some location other than that designated in the act of the last legislature, and in that view I believe the trustees of the school and the trustees of the Westborough Hospital concur. It will surely be prejudicial to satisfactory control to undertake to carry on two institutions, so dissimilar in character and population, in so close proximity. Besides, by the division of the premises provided for in the acts fixing the locations for the hospital and the school, the land assigned to the latter being only about thirty acres,

includes all the large barns and other farm buildings originally constructed for the whole farm, and now needed in connection with the hospital premises, but quite disproportionate to the wants of the school and its management. To remove these structures, or to build anew for the hospital, would involve the State in an outlay unnecessarily large.

The acts in question were passed near the close of the session. As soon as possible thereafter the trustees of the school proceeded to examine the situation, and after conference with the Executive they decided it was inadvisable to expend for additional land and buildings in connection with the Westborough property any part of the fifteen thousand dollars appropriated, and they accordingly deferred action until the legislature could reconsider the subject.

The school, under its present system, will not require for its use a large tract of land or costly and extensive buildings. The number of inmates is reduced by the laws regulating commitment, probation, transfer and discharge. During several years past the average number has not exceeded one hundred and thirty-five. Of the one hundred and twenty-four boys who left the institution during the last year, the average time of detention was only thirteen months, and no one had remained longer than three years and four months. Though the results in individual cases are frequently discouraging, the good influences exercised over many of the boys are productive of permanent reformation, justifying the wisdom of the founder of the school, and testifying to the efficient labors of the officers and trustees.

Your judgment upon the question of change of location should be known as soon as possible. The immediate success of the two institutions concerned depends largely upon the policy adopted. Delay will certainly cause serious obstruction to the work of preparing the hospital buildings for their designated use.

#### OTHER INSTITUTIONS.

The several Lunatic Hospitals, the State Almshouse at Tewksbury, and the State Primary and Industrial Schools have all maintained their former high rank in economy and efficiency of administration.

During the year the State Workhouse buildings have been rebuilt at Bridgewater, and the inmates have been removed thereto from Westborough. This institution is now relieved of the embarrassments incident to its temporary establishment at Westborough, and is believed to be in excellent condition.

The Reformatory Prison for Women passed, early in 1884, under the superintendence of Mrs. Ellen C. Johnson, whose long experience on the Prison Commission peculiarly fitted her for that responsibility. In discipline, economy of control and in vigilant attention to the interests of the State and to the welfare of the prisoners, the results have been most gratifying.

*Senators and Representatives:* The absolute demand for economy in appropriation and expenditure of the public money was never more clear or urgent than now. Let us not fail in any wise to respect the popular sentiment. No increase of the permanent debt can be justified, in the absence of extraordinary exigency.

Whatever the Executive may be able to do, in earnest co-operation with you, to advance the interests of the Commonwealth, is now most cordially tendered. Should you find it practicable to bring your session to an early close, giving due consideration, as your fidelity will dictate, to all matters before you, I take no risk in assuring you that you will satisfy a very general desire and increase the obligations of the people because of your disinterested and effective service.

## SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY HIS  
EXCELLENCY THE GOVERNOR TO THE LEGISLATURE  
DURING THE ANNUAL SESSION.

[To the Senate and House of Representatives, Jan. 9, 1885.]

I have the honor to present herewith, in compliance with chapter 50 of the Resolves of 1860, a report of the pardons issued by the Governor, by and with the advice of the Executive Council, during the year of my administration just closed.

The number of convicts thus released is twenty-six, of whom eleven were in the State Prison, thirteen in houses of correction, one in the Reformatory Prison for Women and one in the House of Industry at Deer Island. Dangerous illness was the controlling reason for the discharge of seven, all of whom died shortly after. One was released because of insanity.

## Pardons.

NO. 1. JOSEPH HEALEY. Convicted of breaking and entering, Superior Court, Suffolk County, August Term, 1882. Sentenced to House of Correction for two years. Pardoned March 5, 1884. It appeared that the mother of the prisoner was wholly dependent upon him for support. That no other offence had been committed by the prisoner. That his reputation previous to this offence was exceedingly good. It appeared further that at the time of the offence the prisoner was, and had been for several days, under the influence of liquor. As but about two months of the term of the sentence remained to be served, the ends of justice seem to have been substantially met.

No. 2. **JOB SWEET.** Convicted of rape, Superior Court, Berkshire County, Jan. 21, 1882. Sentenced to State Prison for six years. Pardoned March 5, 1884. The recommendation of the District Attorney who tried the case being strongly in favor of a pardon, and, from his statement, it appearing that the testimony of the chief witness against the prisoner was false. Pardons.

No. 3. **ABIATHAR GRANT.** Convicted of manslaughter, Superior Court, Suffolk County, Feb. 13, 1873. Sentenced to State Prison for fifteen years. Pardoned March 5, 1884, upon the recommendation of Hon. Charles R. Train — Attorney-General at the time the offence was committed and the prisoner was sentenced — and the endorsement thereon, concurring in said recommendation, by Chief Justice Morton, the justice who heard the case and awarded the sentence against the prisoner. And for the further reason that, under all the circumstances, the prisoner has been sufficiently punished by the eleven years of imprisonment already suffered by him.

No. 4. **FREDERICK H. KRAUSHAAR.** Convicted of embezzlement, Superior Court, Suffolk County, February Term, 1883. Sentenced to fifteen months in House of Correction. Pardoned March 21, 1884. This application was brought up March 18, 1884, for reconsideration, by the son of the convict. Michael Englehardt, from whom the money was embezzled, appeared with him to urge that the pardon be granted. It appeared from their representations, and also from the communications of Dr. Theodore W. Fisher, the prison physician, that Kraushaar was very seriously ill, in all reasonable probability with a fatal disease, and that he could not long survive, perhaps not to the end of his time of sentence. This conclusion was strengthened by the opinion of Surgeon-General Holt, who examined Kraushaar in my presence March 20, 1884. The pardon was therefore granted. Died April 9, 1884, 5.40 A. M., the day that he would have been released if he had not been pardoned.

No. 5. **CHARLES MCKENNA.** Convicted of assault, Municipal Court, Charlestown District, April 16, 1884. Sentenced to four months in House of Correction. Pardoned May 1, 1884. The evidence submitted, and the in-

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vestigation of District Police Officer Shaw, established conclusively the fact that a mistake in identity had been made and that McKenna was innocent. The party assaulted and his witnesses stated under oath that they had erroneously accused McKenna because of his strong personal resemblance to the real offender, Edward J. Kirby. The offence was committed in the night-time. Upon a warrant issued subsequently, Kirby was arraigned upon the same charge before Judge Ruffin and pleaded guilty to the offence. Kirby also declared under oath that he alone committed the assault, and that McKenna was not present. Other witnesses who saw the assault corroborated Kirby's statement.

No. 6. FRANKLIN C. PRATT. Convicted of larceny, Superior Court, Plymouth County, Oct. 29, 1883. Sentenced to one year in House of Correction. Pardoned May 15, 1884, for the reason that it appeared that when the offence complained of was committed by the prisoner, he was not, by reason of mental infirmity, criminally responsible for such act, and for the further reason that a pardon was recommended by the District Attorney who prosecuted him.

No. 7. PATRICK BRENNAN. Convicted of perjury, Superior Court, Norfolk County, Dec. 18, 1882. Sentenced to three years in House of Correction. Pardoned May 15, 1884. It appeared that Brennan had been so long and constantly in a state of intoxication that he was hardly responsible for what he said or did. The District Attorney, reviewing all the circumstances, and considering Brennan's promise to abstain forever from the sale or use of intoxicating liquors, recommended his pardon.

No. 8. THOMAS GLEASON. Convicted of adultery, Superior Court, Middlesex County, Feb. 20, 1884. Sentenced to nine months in House of Correction. Pardoned May 15, 1884, for the reason that, as appeared by the certificate of the prison physician and from a personal examination and investigation by the Pardon Committee, the prisoner was suffering from a fatal illness. Died in July.

No. 9. DANIEL BAXTER. Convicted of rape, Superior Court, Middlesex County, April 3, 1882. Sentenced to ten years in State Prison. Pardoned May 21, 1884, for the reason that, upon a full hearing of the evidence in the case, there were serious doubts as to the guilt of the prisoner, and for the further reason that the District Attorney who tried the case deemed it his duty to recommend a pardon. Pardons.

No. 10. JOSEPH D. INGERSOLL. Convicted of forgery, Superior Court, Berkshire County, Jan. 15, 1883. Sentenced to four years in House of Correction. Pardoned May 21, 1884, upon the certificate of the prison physician that the prisoner was sick with consumption, and probably would not live but a short time. Died July 31, 1884.

No. 11. MORRIS CORBETT. Convicted of breaking and entering, Superior Court, Suffolk County, September Term, 1883. Sentenced to House of Correction for one year. Pardoned June 11, 1884, for the reason that, as appeared by the certificate of the prison physician, the prisoner was in the last stages of consumption and failing rapidly. Died in June.

No. 12. DANIEL CONNORS. Convicted of assault and battery, Superior Court, Suffolk County, August Term, 1883. Sentenced to one year in House of Correction. Pardoned June 19, 1884, upon the recommendation of the prison physician, the prisoner being fatally sick with consumption. Died Aug. 7, 1884.

No. 13. CHARLES R. CARROLL. Convicted of breaking and entering and larceny, Superior Court, Franklin County, Nov. 24, 1882. Sentenced to House of Correction for three years. Pardoned June 26, 1884, on the ground that Carroll had never been guilty of any offence before; that he had the confidence of those who had known him from boyhood; that the sentence upon conviction of the charge of robbing hen-roosts seemed to be disproportionate in its length to the character of the offence; and that his pardon was strongly urged by the sheriff and other officials, and prominent citizens of Franklin County.

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No. 14. GEORGE CALDWELL. Convicted of burning a building, Superior Court, Middlesex County, Feb. 21, 1879. Sentenced to State Prison for seven years. Pardoned July 31, 1884. The Pardon Committee recommended a pardon after a careful hearing, and concluding therefrom that it was doubtful whether the prisoner committed the offence for which he was imprisoned, and believing that if he did commit said offence he had been sufficiently punished therefor. It was further deemed advisable to pardon Caldwell in order that he might secure employment before the winter set in. His prison record was excellent. His conduct showed evidence of reformation.

No. 15. MARGARET CONWAY. Convicted of burning a building, Superior Court, Middlesex County, Nov. 23, 1882. Sentenced to Reformatory Prison for three years. Transferred to the Worcester Lunatic Hospital, Feb. 27, 1884. Pardoned July 31, 1884, on the ground of insanity. It appeared at the hearing that Patrick Conway, husband of the prisoner, was able and willing to care for her at his home, and that she could be better cared for there than at the hospital where she was then confined. As an additional reason for the pardon, it was apparent that because of her insanity, the longer detention of Mrs. Conway could serve no purpose in her punishment or justly operate to deter others from crime.

No. 16. JOSEPH DOWNEY. Convicted of breaking and entering, Superior Court, Suffolk County, March 20, 1882. Sentenced to State Prison for three years. Pardoned July 31, 1884, upon the recommendation of the District Attorney who prosecuted the case. The police officer who arrested the prisoner testified that Downey was under the influence of liquor when he committed said offence, and that previous to that time he had borne a good character. As an additional reason it seemed best to set Downey at liberty earlier than the expiration of his sentence, so that he could secure a situation at his trade before winter.

No. 17. DANIEL MONOHAN, *alias* DANIEL CUNNINGHAM. Convicted of breaking and entering, Superior Court, Worcester County, Oct. 23, 1883. Sentenced to

State Prison for three years. Pardoned Aug. 13, 1884, upon the certificate of the prison physician that the prisoner was in the last stages of consumption and could live but a short time. Died Sept. 3, 1884. Pardons.

NO. 18. ALEXANDER TENNEY. Convicted of breaking and entering, Superior Court, Suffolk County, May Term, 1883. Sentenced to House of Correction for eighteen months. Pardoned Aug. 13, 1884, in consideration of the prisoner's previous good character; the statement of the arresting officer that Tenney was at the time of the offence so completely intoxicated that he had no reasonable comprehension of his act; the belief that the ends of justice had been fully answered; and the good policy of liberating him early enough to enable him to find work before winter.

NO. 19. JAMES DUFFY. Convicted of breaking and entering, Superior Court, Worcester County, Oct. 24, 1881. Sentenced to six years in State Prison. Pardoned Aug. 29, 1884, upon the prison physician's certificate that the prisoner was fatally sick with consumption and liable to die any day. Died Sept. 2, 1884.

NO. 20. DENNIS MANT. Convicted of being a tramp, Municipal Court, Roxbury District, Boston, Nov. 2, 1883. Sentenced to House of Industry for two years. Pardoned Sept. 9, 1884, for the reason that the term of sentence seemed to be excessive, in consideration of the character of the offence. Besides, it appeared that Mant had never been charged with other crime. He had been employed as a cook at sea, and had, shortly prior to his arrest, — as it was shown, — landed at New York, where his captain decamped without paying Mant and the other ship hands. The next day after reaching Boston Mant was arrested for the crime of asking for bread. It appeared that he did not at all use intoxicating liquors. His residence was given as South Carolina, where he had a father and mother living. He was desirous to enter at once into his former employment, for which opportunity was presented to him. Pardon was granted upon the recommendation of the Board of Directors for Public Institutions of the city of Boston.

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No. 21. LOUISE GADBOIS. Convicted of adultery, Superior Court, Middlesex County, June 23, 1884. Sentenced to House of Correction for one year. Pardoned Oct. 1, 1884, for the reason that it appeared that upon erroneous information she was considered by the District Attorney and the judge to be a woman of exceptionally immoral character. It was shown by the report of Officer Bean, who was specially detailed to investigate the matter, that harsh treatment by her husband had driven her from home; and that her husband — who had meanwhile obtained a divorce — desired to re-marry her and restore the mother to her children.

No. 22. DANIEL CALLAHAN. Convicted of larceny, District Court, Lowell, July 17, 1884. Sentenced to one year in House of Correction. Pardoned Oct. 22, 1884. It appeared that Judge Crosby, who imposed the sentence, and the officer who fully investigated the matter, were satisfied that Callahan was not guilty, and they recommended a pardon.

No. 23. EDMUND HEALEY. Convicted of murder, second degree, Supreme Judicial Court, Suffolk County, Dec. 18, 1869. Sentenced to State Prison for life. Pardoned Nov. 26, 1884. The Council voted unanimously to grant a pardon, in consideration of the advanced age of the prisoner — 83 years; of the time he had already served on his sentence, to wit, 15 years; of the fact that he was intoxicated at the time of the offence; and of the assurance, given by a charitable institution, that he should be faithfully cared for during the rest of his life.

No. 24. KEERN RIGNEY. Convicted of murder, second degree, Supreme Judicial Court, Norfolk County, May 21, 1868. Sentenced to State Prison for life. Pardoned Nov. 27, 1884, as an act of executive clemency for Thanksgiving day. Rigney had been in prison nearly seventeen years, and his record of deportment in prison was perfect. The crime was committed without premeditation, when Rigney was intoxicated, and had no connection with any other criminal act or intent. His previous conduct was good.

No. 25. JOHN BRADY. Convicted of burning a building, Superior Court, Plymouth County, June 27, 1883. Sentenced to State Prison for three years. Pardoned Dec. 17, 1884, upon the recommendation of the District Attorney who prosecuted the prisoner, and the city marshal who instituted proceedings against him. It appeared at the hearing before the Pardon Committee, that the offence committed by the prisoner was not of the serious character contemplated by the statute under which the sentence was awarded against the prisoner; that he has been sufficiently punished, and that in the main he has borne a good reputation.

No. 26. LOUIS WORMELL. Convicted of robbery, Superior Court, Suffolk County, February Term, 1880. Sentenced to State Prison for seven years. Pardoned Jan. 7, 1885. The Pardon Committee believed, upon investigation, that the prisoner had borne a good character prior to the time when his offence was committed; that in the commission of the same he was not the leader, but was subject to the influence of another, who has escaped punishment. It appeared further that at the time of the offence, all the parties had been drinking together, and were somewhat under the influence of liquor, including the person assaulted.

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[To the Senate and House of Representatives, Feb. 3.]

The Legislature of the year 1884 adopted the following resolve:—

Troy and  
Greenfield Rail-  
road and Hoosac  
Tunnel.

*Resolved*, That the Governor and Council be and they are hereby requested to consider the relation of the Commonwealth to the Troy and Greenfield Railroad and Hoosac Tunnel, and to report to the next session of the Legislature such recommendations and suggestions concerning the future management or disposition thereof as they may deem expedient.

In obedience to this request a careful and extended consideration was given to the subject matter of the resolve, and to the facts and questions deemed to have important relation thereto. Information and advice were sought and obtained from many gentlemen prominently engaged and largely experienced in the control of leading

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enterprises in manufacture, trade, transportation, domestic and foreign commerce. It now becomes my duty to communicate to the General Court the conclusions arrived at and the reasons upon which the same are based.

The settlement of the outstanding claims of the Troy and Greenfield Railroad Company, and the transfer of all its rights, legal and equitable, to the State, the full details of which were set forth in my inaugural address at the opening of your session, simplified the issues presented, and effected absolute relief from the necessity of inquiry into the relations of the Commonwealth to the said railroad and tunnel. No embarrassment from divided or disputed ownership can now complicate the problem or defeat its solution. The State is the sole owner, and may decide what it will do with its own property, subject only to the performance of the existing contracts for its management and use. The history of the great tunnel undertaking is written in the public records of Massachusetts, and needs no rehearsal in this connection. Discussion over the policy of its inauguration or the methods of its accomplishment must certainly be regarded as irrelevant and futile. The work is done. The road is of great value, and capable of contributing immeasurable benefits to the varied interests of the State and of the people at large.

The line, extending from Greenfield through the tunnel to the boundary between Massachusetts and Vermont, a distance of 44 miles, is now practically completed with a double track of steel rails, all necessary sidings, substantial bridges, station buildings and other essentials to a first-class road, and is pronounced by the most competent experts to be in a condition of excellence superior to most of the railways in the Commonwealth. The route by the way of the state road possesses considerable advantage in grade and distance over any other line between Boston and the Hudson River. No extraordinary outlay is anticipated for the present, and the demand for an annual appropriation from the state treasury to increase the facilities for transportation, or to develop the line, has ceased. The Southern Vermont Railroad, extending westwardly six miles from the line between Massachusetts and Vermont, is also owned by the Commonwealth, but held under a perpetual lease, at a fixed yearly rental, by the Troy and Boston Railroad Company.

It is not managed by the State, or under its control in any way. For these and other reasons it may properly be disregarded in the present inquiry.

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From the inception of the tunnel enterprise in 1848, to the present time, the State has expended upon it about \$14,200,000, which amount now stands as a funded debt. If payments of interest are included (though that cannot justly be considered in a fair statement of the cost of the work), the total, as stated by the auditor in his annual report, stood January 1, 1885, at \$24,173,238.67. In fixing this amount allowance for income has been made. The average due-date of the funded indebtedness on this account is August 3, 1891. To be more specific, it falls due in instalments at various times from April 1, 1888, to September 1, 1897, but considerably the larger portion must be paid before 1893. To discharge this obligation at the several periods of maturity required a total sinking fund January 1, 1885, to the amount of \$10,996,903.77; while the actual sum in hand for that purpose on the date named was \$6,306,664.80. The consequent deficit as of that date was therefore \$4,690,238.97. The present fund, with its probable accumulations, will pay all the instalments of the debt maturing up to and including April 1, 1891, and furnish \$827,508.47 towards the payment required July 1, 1891, leaving \$2,790,734.28 then to become due, and all instalments thereafter to mature to be provided for by taxation or otherwise. It is apparent that postponement of action, from year to year, that shall make provision to meet these obligations of the State, will not fail to necessitate a correspondingly larger annual burden when assumed.

Undoubtedly the State carried on the gigantic undertaking of the tunnel construction, requiring the payment of million upon million of dollars, without expectation that the investment could ever prove directly profitable or remunerative to the common treasury. The great object was, and undoubtedly still is, to bring about the establishment of a through line of transportation between the interior of the country and the port of Boston, and to promote commerce, cheapen the price of commodities by reducing freight charges, and to distribute incalculable benefits among the people at large, who may thereby have saved to them from their necessary expenditures more than their proportionate share of the burden imposed by

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taxation in payment for the work. While, therefore, undue emphasis is not to be laid upon the statement of cost or upon the estimate of the needs of the treasury, subordinate as these matters really are to the general public interest, such considerations bear upon the present discussion with great pertinence and force. The direct tax upon the people of the State which must be laid in the near future, unless some other adequate plan for the cancellation of the debt is favorably adopted, will bring the Commonwealth to a sharp realization of the true cost of this railroad property, and to a just measure of the financial obligations on its account. Whether the State be considered merely as a property holder, or as a guardian of great public interests, prudence will dictate that, in view of the vast sum of money which the State has agreed to pay, and which it will surely pay at the appointed time, a wise, comprehensive and far-reaching policy should be promptly inaugurated that shall fortify the position of the State in either capacity. A continued disregard of the vital features of the situation, or the neglect of timely measures of precaution, may bring the occasion for an unreasoning demand that will sacrifice the property and destroy its power for relief. Whichever way the question is viewed, the essential elements of the problem cannot be dissociated in determining upon a judicious scheme of solution.

The existing contracts with the Fitchburg Railroad Company, the Boston, Hoosac Tunnel and Western Railroad Company, the Troy and Boston Railroad Company, and the New Haven and Northampton Company, for the operation of the state's road and tunnel, will expire by limitation October 1, 1887. Reasonable anticipation of the future, demands that action be taken to put the Commonwealth in such a position that it may not be compelled to yield to whatever terms may then be offered, and the time is now no more than sufficient for that purpose. Whatever may be the real merits of their claims, there is little room for doubt that the owners of roads connecting with the tunnel line will insist upon greater concessions from the State, and be enabled to secure them if indifference or neglect shall have disabled the Commonwealth in the conflict between great interests. They will care for their property as vigilant business men, and omit no effort to make the best bargain for themselves. To

suffer the State to drift along without definite purpose for the future will demonstrate the lack of ordinary sagacity, and a disregard of the weighty responsibilities that rest upon those to whom the people have committed high trusts.

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Such, in brief, are the elements of the problem before you for solution. What shall be done with the property to bring from it the largest possible income of benefit? To make provision for the payment of the public debt incurred on this account; to develop the road and tunnel into an indispensable factor in the great work of cheapening and extending freight carriage; to place the Commonwealth, without delay, in that position of independent action that it may not be powerless for its own protection, when in negotiation with corporations of its own creation; to adopt conservative measures that shall disengage the State, as soon as practicable, from the direct management of industrial concerns; to hold well secured, all the advantages, actual and possible, which were anticipated as inducements to the extraordinary undertaking and expenditure—all these are prime objects to be sought. The true test of any plan will be found in its power to realize these several objects to the highest degree attainable.

In entering, therefore, upon a discussion of the various methods for the disposition or utilization of the railroad and tunnel line, I may state it as the unanimous opinion of the Governor and Council that, keeping in view all the considerations heretofore stated, no plan should be adopted that does not contemplate the application of the state's property to a system of combined, vigorous and extended operation of an unbroken thoroughfare of traffic from the great West to the ports of eastern Massachusetts. The tunnel line must be put in such condition and connection that it can contend with equal advantage with its formidable competitors. Disjointed action ends in obstruction and defeat. The managers of rival lines, looking solely to their own interests, could desire nothing more than the perpetuation of separate and inharmonious control. The state's railroad, though faultless in construction and equipment, constitutes but a single step in the vast distance over which transportation must be carried on, and if loosely or feebly managed with other disconnected organizations, will surely fail to justify its

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construction. It can signify but little in the aggregate of benefits if, after all the expenditure of money, years of wearisome labor and heated controversies, the State and the people realize no greater result than the ownership of forty-four miles of railroad, which can promise but an inconsiderable local business and is otherwise dependent upon the temporary plans or necessities of corporations working disconnectedly and inharmoniously. Nothing is now more clearly demonstrated than that railroad business in general, to be successful, must be managed on an extensive scale and with ample facilities for a large traffic at low rates. Conditions that seem to be of trivial importance, and apparently slight differences in freight charges, are sufficient to control the course and volume of transportation and to determine the question of profit and loss. While, therefore, the State will undoubtedly secure to the various connecting roads reasonable use of the tunnel on just terms and under proper restrictions, the essential purpose must be to develop the largest possible through business over a continuous line that shall have the capacity and power to compete successfully with all rivals and facilitate to the utmost commercial intercourse between the West and the East. Nor is it to be doubted that all the local interests along the line will be more efficiently and satisfactorily served by a powerful organization able to protect every part of its property.

The various methods of organization and management which have been investigated by the Governor and Council will be presented and discussed separately.

#### CONTRACT SYSTEM, OR TOLL-GATE PLAN.

This method has now been on trial ten years, and however conclusive the argument for its adoption may have seemed, or whatever may appear to be the reasonable theory concerning it, the experience of the State furnishes most abundant testimony and instruction concerning its administration. Under the Act of 1875, any corporation owning or operating a railroad which may connect with or be built to the line of the state's tunnel and road, is allowed to connect therewith and to enter upon and use, with its own motive power, said tunnel and road upon terms and conditions and for tolls prescribed, under specified limitations, by the Governor and

Council. In fixing such tolls, due regard is to be had to the commercial value of said railroad and tunnel, and to the development of business, as well as to the cost of the tunnel property. Corporations paying the tolls prescribed are required to pay no other tolls, percentages or allowances, but all of them are placed on a footing of equality. Pursuant to this statute several contracts for the use of the road and tunnel were entered into, and these were subsequently modified for the relief and benefit of the contracting corporations, under the provisions of the Act of 1880.

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Touching the necessities of the State in reference to its financial obligations, as they have been hereinbefore stated, it becomes important to examine the returns of the net results from these contracts, and thereupon to predicate an estimate for the future. The Treasurer of the Commonwealth submits the following exhibit from his books, covering the transactions for each year ending September 30, from 1875 to 1884, inclusive, and showing the gross receipts, the cost of maintenance and running expenses, and the net earnings or income:—

YEAR.	Receipts by Common- wealth.	Maintenance and Run- ning Expenses.	Net Income.
* 1875	\$36,592 98	\$23,399 32	\$13,193 66
1876	83,625 62	45,779 81	37,845 81
1877	158,141 25	60,235 31	97,905 94
1878	148,785 90	77,740 57	71,045 33
1879	182,158 46	106,819 90	75,338 56
1880	215,419 75	123,760 55	91,659 20
1881	219,077 88	183,206 41	35,781 47
1882	202,777 46	171,064 18	31,713 28
1883	266,330 00	209,337 00	56,993 00
1884	259,146 56	219,991 42	39,155 14

In the foregoing statement the net earnings are increased by the amount of the annual rent of the Southern Vermont Railroad, to wit: \$12,000; but for the years 1883 and 1884 the said rent, being in arrears, is not included. Besides, the net income for 1883 and 1884 is subject to a possible reduction upon the settlement of some disputed claims now pending against the State and arising, as is alleged,

\* Six months.

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under the contracts. The state's road is taken to be so many miles of railroad, irrespective of the difficulties or cost of its construction, and no arbitrary allowance is made in favor of the State, because of the fact that a certain portion was carried through the mountain at immense expense. Observing that the net income falls far short of the sum needed to discharge the annual interest claim, no one can reasonably expect that the state's property, by a continuance of management under the system now in practice, will yield a net profit sufficient to materially aid the present sinking funds in discharging the tunnel debt at maturity, or appreciably diminish the burden of taxation. And this conclusion is clear, though due recognition is made of the actual increase in business already secured over the road, and a liberal allowance be added for the probable development in the future.

It is also to be borne in mind that this system offers the occasion from time to time to seek, through legislative enactment, relief from the obligations of the contracts in force, and it does not appear of record that any modification of such contracts has yet been made whereby the State has realized enlarged pecuniary advantage.

But the insufficiency of this method is still more strongly demonstrated in its substantial failure to subserve the highest interests involved in expeditious and cheap transportation. It necessarily obstructs the operation of the state's railroad, as well as that of all others that endeavor to co-operate with it, because it embarrasses every effort for permanent and comprehensive arrangements with connecting lines, whereby enlargement and concentration can be accomplished. And this objection is altogether the most urgent.

Realizing to the treasury no considerable income from its investment, the Commonwealth sacrifices largely other advantages by pursuing a policy that stifles development and violates every sound and progressive principle in the management of railroad business on an extensive scale. It is of small consequence that all railroad corporations may run over the state road on equal terms, however favorable, if the result is a series of disconnected and conflicting operations, limited to the localities covered by the respective lines joining with the tunnel route. Indeed, if no tolls were imposed, experience shows that no corporation that availed itself of the opportunity could even then

maintain successful competition for the great through business against a rival line controlled under one combined system. It may be said in reply that traffic over the tunnel line has been very considerably enlarged from year to year, and this is true: but there is not an expert in these matters who will not declare that such business must have been done at great disadvantage and at disproportionate expense, and that combination and concentration over long distances is the lesson and necessity of the present time.

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#### EXCLUSIVE STATE OPERATION.

Although it will be entirely feasible for the State, after present contracts are at an end, to put its road and tunnel wholly under its own direct management and operation, providing therefor all necessary equipment, and enter into open competition for a share in the business of transporting passengers and freight, still it is not to be expected that so radical a departure from the ordinary province of State jurisdiction and duty will be seriously urged, or, if adopted, could be sustained against the sound and conservative sentiment entertained on this question by the people. Grant for the moment that the State could operate its forty-four miles of railroad economically, and yet it would fall far short of realizing the aggregate of possible benefits. There is not the least probability that power would be granted to buy or lease other roads. No addition to the net income would be assured, and the people would be left farther than they are even now from the accomplishment of a concentrated, vigorous and far-reaching conduct of railroad traffic between the East and the West. A republican government cannot safely and efficiently manage business of this character, and should not attempt it except under imperative necessity. The legislative and executive departments of our government are not properly constituted to protect the interests of the State in the inevitable struggle with rival railroad corporations. The frequent changes that are constantly going on among those who are elected to administer the important trusts of public office, salutary as they may be in point of political advantage, are radically destructive in the management of business affairs, for which experience, sagacity and unity of action are essential.

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Claims for damages to persons and property, for lost baggage, and of all other possible descriptions, would be pressed upon the Commonwealth, and, as it could not afford to be without a soul, it could not disregard the innumerable opportunities to demonstrate its benevolence by liberal grants from its treasury. Whatever other advantages may be aimed at, it must not be overlooked that every reasonable effort is demanded not to further involve the State in railroad management, but to extricate and relieve it from the present complications as soon as may be prudently done.

Without further argument, the conclusion may be stated that this plan does not commend itself to the approval of the Governor and Council.

#### SALE OF THE ROAD AND TUNNEL.

No offer to purchase has been made to the Governor and Council, and no estimate of the value of the state's property has been communicated by those who may be considered most competent judges, which could be properly entertained. Some persons strenuously urge that it is best to sell the road and tunnel for the most favorable offer, and at once sever the connection between them and the State. Indeed, it is not at all improbable that there may be some who will go so far as to say, "Give it away to anybody who will take it, and let us hear no more about it." But the sober, solid sense of the people will not justify or tolerate any recklessness in the solution of this important problem. There is no occasion or reason for the Commonwealth to donate this valuable property, or to sacrifice it for an inconsiderable sum. Happily the State is in no financial distress. Though enough were offered to supply the existing deficiency in the sinking funds, as already stated, other considerations require such a decision as shall not imperil the great undertaking or forfeit the advantages sure to be realized from it. All propositions for the purchase of the tunnel road will doubtless contemplate its absolute separation from responsibility to the State and commit it to the ownership and supervision of private individuals or corporations. Such disposition of the property might easily result in sacrificing every substantial benefit guaranteed in the construction of the road. It is not necessary to that end that the purchaser

actually close the tunnel and discontinue the use of the road. That is not to be expected. But any management that should prevent or destroy competition, or should regard chiefly the promotion of commerce with other seaports instead of our own capital city, or that should subordinate the interests of Massachusetts to the advancement of any other state or community would accomplish a virtual appropriation of the investments and resources of our Commonwealth to the creation and maintenance of organizations that carry their strength elsewhere. Vast sums of money, it is true, have been absorbed in the construction of the roadway through the western range of mountains and in extending the line of communication to the boundary of the State, but the volume of business handled yearly by the great transportation routes far exceeds in value the entire outlay made by the State in this enterprise, and there is no practicable limit to be set to the accumulation of benefits resulting therefrom to the city of Boston, to the rapidly growing and multiplying communities along the line and its connections, and to the inhabitants of the State at large.

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Considering further the fact that several roads have been put into connection with the tunnel road at large expenditure and with reliance upon the terms established in various acts of the Legislature, it is proper to inquire whether the State will have kept good faith with the owners of these roads if it shall sell its property to any party without reserving certain privileges for these connecting roads. Besides, the tunnel constitutes to a considerable extent a monopoly by nature; and competition by the construction of a parallel road within any near distance is not to be expected. This element was fully appreciated by its projectors, by the State, and by all corporations that have established connections with it. It is not probable that any purchaser will accept the property subject to such conditions except at a price quite insignificant.

While, therefore, the sale and transfer of the tunnel property outright to private parties might put a considerable sum into the treasury, relieve the State at once from participation in its control, and afford an opportunity to combine it into an extensive through line, capable of conducting an enormous traffic, still the governor and council are unanimously of the opinion that no such disposal of

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the property can prudently be made in view of the other considerations stated and held to be controlling.

#### CONSOLIDATION.

Much that might be urged on this point has already been advanced or suggested in the discussion of the other methods. Largely reduced expenses of management will surely follow consolidation. That is the universal result. Instances are numerous, but none more evident than in the case of the Old Colony Railroad, the Boston and Albany Railroad, and the Boston and Lowell Railroad. Indeed, it would be entirely reasonable to expect from a consolidation of the tunnel road into a compact and vigorous organization so great a reduction in the cost of operation, terminal charges and other outlay, as would exceed the net income now accruing to the State under the toll-gate plan.

The State owns a great public work, of vast capacity for assistance to industrial and commercial interests, and it should be managed in a business way, according to the best experience in similar enterprises. The tendency everywhere is to the union of small corporations into those of larger amount and power. Public interests are served by these consolidations. Business rules are applied to business undertakings, and in the long run substantial profit follows. The state's property can be put to the greatest service, not by retaining it in its present isolated position of comparative weakness and embarrassment, but by joining it in consolidation with other lines reaching eastward and westward, and under a strong, harmonious and enterprising management, that shall compel recognition and command a liberal share in the transportation traffic across the country.

Nor are the benefits received alone at the terminal points. Along the whole line industries are quickened into greater activity and population multiplies. While, therefore, a strong road may be established which will form the western connections to which Boston must look for her development as a point of export to European countries, every town and city along the line in Massachusetts will feel the impulse of the more energetic and comprehensive policy.

In providing for such consolidation, the importance of creating a corporation to be largely owned and managed in the interest of Massachusetts should not be overlooked, and proper authority should be given for carriage over the tunnel line of persons and property coming from or going to roads now or hereafter connecting with it, upon reasonable conditions.

Troy and Green-  
field Railroad  
and Hoosac  
Tunnel.

Power should also be granted to the new corporation to enter into contracts for the ownership or lease of lines beyond the limits of the Commonwealth, to be operated as a part of the whole system.

The governor and council believe that such a plan for consolidation should be adopted, and that if all needful provisions in detail be included, the capabilities of the route will be rapidly developed and all the interests of the public be protected. By it so great an increase in the practical value of the state's property will be realized that in a pecuniary sense the State will receive substantial relief and an early separation be effected between the financial concerns of the tunnel and those of the State.

#### CONCLUSION.

Make the case of the State, as it now stands in relation to this valuable property, that of a private individual or corporation, and the present emergency becomes so real than any argument for prompt and effective action is plainly gratuitous. Nor must the fact be lost sight of that the processes in such matters of state government are necessarily slow and uncertain. The history of all great public transactions, and none the less of those touching the subject now in hand, furnishes the most abundant proof that the people arrive at the objects desired only with great difficulty and after vexatious delays.

If the recommendations submitted shall commend themselves to your deliberate judgment, legislation will be required to accomplish the desired results. The general railroad law is not sufficient to meet the exigency without some modification, and general provisions to secure efficiency of action and protection of all interests involved must be enacted. Should you be of the opinion that full details cannot be advantageously worked out by the Legislature during its session, it may be advisable to confer authority under proper limitations to act for the Common-

wealth in the adjustment of all specific provisions and to enter into the negotiations that must be had in order to bring the question to a safe and acceptable determination.

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[To the Senate and House of Representatives, March 5.]

Hog cholera.

In compliance with the request of the trustees of the Massachusetts Society for Promoting Agriculture, I call the attention of the legislature to the reported prevalence of the epidemic known as hog cholera among the swine in this State, and submit for your information a report made by certain veterinary surgeons to the trustees.

A copy of the regulations made and published by the cattle commissioners for the extirpation of the disease, is also transmitted herewith.

No argument is needed to demonstrate the great importance of the subject, or to present a justification for specially inviting you, even amid the pressure of other matters, to give it full and efficient consideration.

An examination of the provisions of Chapter 90 of the Public Statutes, concerning contagious diseases among cattle, horses and other domestic animals, will, I believe, disclose the necessity of legislation to secure more certain and prompt notice to the municipal authorities and to the cattle commissioners of the existence of the disease, and to provide for the employment of veterinarians from time to time to assist the commissioners in investigation of cases and in eradication of the plague.

The whole matter is respectfully commended to your careful judgment.

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[To the Senate and House of Representatives, April 7.]

Rogers Amero.

I deem it my duty to inform the members of the legislature that I have received from the Honorable T. F. Bayard, Secretary of State, a communication, covering a copy of the petition of Rogers Amero of Digby, Nova Scotia, and a copy of the letter of the British Minister, resident at Washington, D. C., requesting that due consideration be given to the matter.

Although the claim, now presented by Amero, was very thoroughly investigated by your immediate predecessors and an adverse determination made thereon, and has also been made the subject of extended comment

by the Attorney General in his last report, still, in view of the general desire of our people to afford a full opportunity to every person to present his statement of grievances that he may believe he has suffered at the hands of the Commonwealth, and in recognition of the high official character of those through whom this matter has been brought to my attention, I transmit all the papers to you for such inquiry and action as to you shall seem proper.

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[To the Senate and House of Representatives, June 18.]

An examination of the workshops connected with the state prison has been recently made, by my order, by officers White, Dyson and Buxton, acting as inspectors, and a copy of their report is herewith transmitted, accompanied with a plan of the premises particularly referred to.

Workshops at  
the state prison.

It will be apparent from the inspectors' report that repairs not heretofore contemplated are required without delay, not only with a view to save the property from deterioration, but also to guard against accidents which might occur by reason of the weakness of the walls and floors.

The simple presentation of the facts renders unnecessary any argument in support of timely and efficient action, and I therefore invite your consideration before the time of your final adjournment.

Precise estimates of the amount of money needed for the work cannot be prepared and given to you without detaining you longer in session than now appears otherwise probable; but I am of the opinion, upon the information furnished me, that authority should be granted for the expenditure of twenty thousand dollars, or so much thereof as shall be found necessary, for the purposes named.



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CHANGE OF NAMES.

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## CHANGE OF NAMES OF PERSONS.

In compliance with the requirement of the Public Statutes, Chap. 148, Sect. 14, returns of the following Changes of Names have been received at the Department of the Secretary of the Commonwealth, as decreed by the several Judges of the Probate Courts in their respective Counties:—

### SUFFOLK COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1884.</b>			
Jan. 7,	Melvin Colville,* . . . .	Palmer Colville Tiffany, . .	Boston.
7,	Frederick Earle Downing,* . .	Frederick Cross Pittee, . .	Boston.
7,	Grace May Totman,* . . . .	Grace Stanton Harrington, . .	Brewster, Mass.
14,	Edgar Eccler,* . . . . .	Alexis Edgar Trempe, . .	Boston.
14,	Mary Bell McLeod,* . . . .	Isabella McLean, . . . .	Capleton, Canada.
21,	Edith Eveline Blakie,* . . . .	Mary Alice Cochran, . . . .	Boston.
21,	Mercy Grace Lubbin,* . . . .	Flossy Maud Willoby, . . . .	Boston.
28,	Edward O. Griffin,* . . . . .	Edward O. Byrd, . . . . .	Cambridge, Mass.
Feb. 18,	Pansy Drayton,* . . . . .	Pansy Birch, . . . . .	Boston.
18,	— Monroe,* . . . . .	Lawrence Vinal Hill, . . . .	Boston.
4,	Emily Manderville Herriek Daly, . . . . .	Emily Manderville Herrick, . .	Boston.
11,	Henry Hudson,* . . . . .	Richard Corey Ames, . . . .	Boston.
11,	Willie McDonald,* . . . . .	Francis Wallace Jordan, . . . .	Boston.
25,	Margaret E. H. Friery,* . . . .	Colonne Frances Williams, . .	Boston.
25,	Mary Milner,* . . . . .	Carrie Louise Bagley, . . . .	Boston.
25,	Jacob Fitz-Herbert Sawyer, . .	Jacob Herbert Sawyer, . . . .	Boston.
Mar. 3,	Mary Elizabeth Walker,* . . . .	Marion Sarah Barber, . . . .	Boston.
10,	Charlotte (or Lottie) Gray,* . .	Gertrude May Lippincott, . .	Boston.
17,	Augusta Greilach,* . . . . .	Augusta Müller, . . . . .	Boston.
17,	George Henry,* . . . . .	Charles Edwin Sprague, . . . .	Boston.
17,	Alice Maggie McDonald,* . . . .	Alice Maggie Woodman, . . . .	Wolfville, N. S.
24,	Sarah Jane Smith,* . . . . .	Sarah Jane Jackson, . . . . .	Boston.
24,	Alice Towle,* . . . . .	Alice Elizabeth Fraser, . . . .	Boston.
24,	Alice Welch,* . . . . .	Alice Walsh, . . . . .	Foxboro', Mass.
April 7,	Mabel F. Brainard,* . . . . .	Mabel F. Davis, . . . . .	Boston.
7,	James Robert Johnson, . . . .	James Robert Corey, . . . .	Boston.
14,	Oscar Moore Eland,* . . . . .	Oscar Alexander Ceppi, . . . .	Boston.
14,	Ida May Fraser,* . . . . .	Ida May Tower, . . . . .	Revere.
14,	Dennis Haggerty, . . . . .	Dennis Haggerty Nettles, . . . .	Boston.
14,	Annie Katharine Niethamer,* . .	Annie Katharine Nagale, . . . .	Boston.
21,	Edward Harney,* . . . . .	Arthur Edward Wight, . . . .	Boston.
28,	Mary Elizabeth Bullard,* . . . .	Mary Elizabeth Underwood, . .	Harrisville, N. H.
28,	Annie Elizabeth Duffie, <i>alias</i> Annie Duffie,* . . . . .	Annie Elizabeth Sampson, . . . .	Boston.
28,	Walter Smith,* . . . . .	Charles Harry Donovan, . . . .	Palmer, Mass.
May 19,	Alice Bicknell,* . . . . .	Alice May Gore, . . . . .	Boston.
26,	George Edgar Avery, . . . . .	George Everett, . . . . .	Boston.

\* Changed by reason of adoption.

## SUFFOLK COUNTY—CONTINUED.

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1884.</b>			
May 26,	Mary Welch,* . . . .	Mabel Gertrude Clare, . . .	Oakham, Mass.
June 2,	Frank Stables Ramsay,* . . .	Frank Stables Locke, . . .	Boston.
9,	Frederic Lowell,* . . . .	John Gadsby, . . . .	Boston.
9,	Joseph Magonn,* . . . .	Joseph Dillon, . . . .	Malden, Mass.
16,	Child of unknown parents,* . .	Faith Goddard, . . . .	Boston.
16,	Clara B. LeGaltee, . . . .	Clara Bradbury, . . . .	Boston.
16,	Sarah Jane LeGaltee, . . . .	Sarah Jane Bradbury, . . .	Boston.
23,	Ralph Haven,* . . . .	Ralph Haven Kearnes, . . .	Boston.
23,	Clarence Arthur Littlefield,* .	Clarence Arthur Bugbee, . .	Boston.
23,	Henry John Tailliez,* . . . .	Henry John Nicolas, . . .	New York City.
July 7,	Edgar Cephas Burnham,* . . .	Edward Knapp Butler, . . .	Boston.
7,	Annie Wilkinson Dillingham,* .	Annie Wilkinson Howe, . . .	Boston.
7,	William Edward Lanergan, . .	William Lanergan Edwards, .	Boston.
7,	Lena Toole, or Evelena Bell Bradley,* . . . .	Eleanor Marie Denslow, . . .	Boston.
14,	Estrella Madrid Huston,* . . .	Stella Madrid Stinchfield, .	Boston.
14,	Mary Josephine Keeler,* . . .	Mary Josephine Gilmore, . .	Boston.
14,	Edith Augusta Salter, . . . .	Edith Agnes Salter, . . . .	Boston.
14,	Elizabeth Sullivan,* . . . .	Elizabeth Frances Owens, . .	Boston.
28,	Mabel L. Mingo,* . . . .	Mabel Ellen Morrison, . . .	Chelsea.
28,	John Henry O'Neill, . . . .	John Henry Neill, . . . .	Boston.
28,	Sarah Crawford Peppard,* . . .	Ethel Harriet Williams, . . .	Boston.
Aug. 18,	Oliver Garfield Branch,* . . .	Warren Gile, . . . .	Boston.
18,	Joseph Philip Raible, . . . .	Joseph Philip Ripley, . . .	Boston.
18,	Ellen Frances Raible, . . . .	Ellen Frances Ripley, . . .	Boston.
18,	Lorenzo Raible, . . . .	Lorenzo Ripley, . . . .	Boston.
18,	Margaret Martha Raible, . . .	Margaret Martha Ripley, . .	Boston.
Sept. 1,	Molly Garfield Brown,* . . .	Warrena Sawyer Phelps, . .	Boston.
1,	Mary Lucas,* . . . .	Gracie May Edds, . . . .	—
1,	Sarah Eveline Tufts,* . . . .	Grace Adaline Ward, . . . .	Boston.
1,	Annie Frances Tufts,* . . . .	Annie Louise Fillebrown, . .	Newburyport.
8,	John Russell Hurd Codman, . .	Stephen Russell Hurd Codman, .	Boston.
8,	Daniel James Murphy, . . . .	Daniel James, . . . .	Boston.
8,	William Augustus Pond,* . . .	William Augustus Pond Alexander, . . . .	Boston.
22,	William Freeman,* . . . .	William Wallace Remick, . . .	Boston.
22,	Frederick Hendram Gosling,* .	Charles Edward Peabody, . .	Boston.
22,	Cornelia Golden Kenney,* . . .	Cornelia Golden Pope, . . .	Boston.
29,	James Moore,* . . . .	George Ernest Gillpatrick, .	Boston.
Oct. 6,	Jennie Hayden,* . . . .	Helen Gertrude Bates, . . .	Boston.
6,	Mary Ella Symonds,* . . . .	Estelle Wood Jackson, . . .	Boston.
20,	Myron Fellows Bodge,* . . . .	Myron Fellows Ryder, . . .	Boston.
20,	Mary Dempsey, . . . .	Mary Eaton, . . . .	Boston.
20,	Albert Leslie Kidder,* . . . .	Albert Leslie Kidder Heath, .	Manchester, N.H.
20,	Gracie Marshall,* . . . .	Gracie Bell Morrissey, . . .	Boston.
27,	Catherine Clark,* . . . .	Katie Mary Manchester, . . .	Boston.
27,	Lorena Villiers,* . . . .	Lorena Quinn, . . . .	Boston.
27,	Daisey Derby Welch,* . . . .	Daisey Derby Pulsifer, . . .	Boston.
Nov. 3,	Frank Darlington Jordan Lone,*	Frank Darlington Bailey, . .	Boston.
10,	Henry Thaxter,* . . . .	John Howard Thaxter, . . .	Boston.
17,	Grace Donovan,* . . . .	Gertie May Colburn, . . . .	Boston.
17,	Ada Florence Hammett,* . . .	Ada Florence Williams, . . .	Boston.
17,	Mary Lenning,* . . . .	Elizabeth Knepel, . . . .	Boston.
17,	Helen Morse,* . . . .	Flora Eugenia Warner, . . .	Boston.
Dec. 1,	Flora Etta Adams,* . . . .	Florence Isabel Roath, . . .	Boston.
1,	Luey W. Clapp, . . . .	Alice Howland, . . . .	Boston.
8,	Fanny Fisher,* . . . .	Mabel Parritt, . . . .	Boston.

\* Changed by reason of adoption.

## CHANGE OF NAMES.

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## SUFFOLK COUNTY—CONCLUDED.

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1884.</b>			
Dec. 8,	Clement Fowler,* . . .	Fred Argene Pike, . . .	Boston.
8,	Walter Albert Harvey, . . .	Walter Elbert Chickering, . . .	Boston.
8,	John Oak,* . . .	Persewell John Munton, . . .	Boston.
8,	Irene Sarah Rice,* . . .	Irene Sarah Homan, . . .	Boston.
8,	Gertrude Stephenson,* . . .	Gladdys May Woods, . . .	Boston.
15,	Henry Napoli French, . . .	Towneley Thorndike French, . . .	Boston.
29,	Lula Belle Griffin,* . . .	Josephine Louisa Isabel Greene, . . .	Boston.
29,	Mary F. Vincente,* . . .	Mary F. Martinez, . . .	Boston.

## ESSEX COUNTY.

Jan. 7,	Jeffrie Bouvie,* . . .	William Henry Landford, . . .	Boston.
7,	Maud G. Woodman,* . . .	Grace Maud Sawyer, . . .	Brooklyn, N. Y.
14,	Hattie M. Young,* . . .	Harriet Mabel Vittum, . . .	Gilmanton, N. H.
28,	Grace E. Thomson, . . .	Ethel Parton, . . .	Newburyport.
Feb. 4,	Bertha A. Harding,* . . .	Bertha Alena Churchill, . . .	Haverhill.
4,	William T. Dayton, . . .	William Hardy Dayton, . . .	Salem.
18,	Eldredge R. Morrison,* . . .	Hermann Arthur Roeding, . . .	Boston.
Mar. 3,	John Peckham,* . . .	Ernest Harold True, . . .	Adamsville, R. I.
10,	Andrew M. Lopez, . . .	Andrew Madison Ropes, . . .	Salem.
17,	Mildred B. Carpenter,* . . .	Sybil Avis Clarkson King, . . .	Lynn.
April 7,	Ruth Tarbuck,* . . .	Ida Belle Mansfield, . . .	Lowell.
21,	Jennie Russell,* . . .	Jennie Rollins, . . .	Frederickton, N. B.
28,	Rexford H. Archer,* . . .	Rexford Henry Holt, . . .	Haverhill.
May 5,	Blanche Beattie, . . .	Blanche Elliot, . . .	Peabody.
5,	Susan C. Beattie, . . .	Susan Catharine Elliot, . . .	Peabody.
5,	Mary Healey,* . . .	Florence Todd, . . .	West Newbury.
5,	Augustus L. Rhodes,* . . .	Eugene Rhoades Fox, . . .	Lynn.
19,	William R. Brundridge,* . . .	Willard Hatch Fisk, . . .	Boston.
July 7,	Amy P. Nourse,* . . .	Amy Porter Oliver, . . .	Lynn.
7,	Alden G. Nourse, . . .	Alden Guy Oliver, . . .	Lynn.
14,	Edith M. Chandler,* . . .	Edith Modjeska Boardman, . . .	Haverhill.
14,	Clara M. Dalton,* . . .	Clara Mabel Marshall, . . .	Deerfield, N. H.
14,	Emily Heys,* . . .	Florence Emily Wilton, . . .	Lawrence.
21,	Carrie J. Hutchins,* . . .	Carrie Juliette Piper, . . .	S. Hampt'n, N. H.
Aug. 4,	Annie J. Ryan, . . .	Annie J. Raleigh, . . .	Salem.
Sept. 1,	George Brigham,* . . .	George Lislie Friend, . . .	—
1,	Lula J. Mudge,* . . .	Lula Kirkland Beale, . . .	Lynn.
8,	— Schmidt,* . . .	Martha Knetsch, . . .	Lawrence.
15,	Mary E. Hanson, . . .	Mary Ellen Very, . . .	Danvers.
Oct. 20,	Thomas B. Martin,* . . .	Thomas Boardman Drowne, . . .	Newburyport.
20,	Arthur Muir,* . . .	Edward Arthur Underhill, . . .	Ipswich.
27,	Lucy V. Orrill,* . . .	Lucy Viola Warren, . . .	Lynn.
Nov. 10,	— Andrews,* . . .	Fannie Emma White, . . .	North Andover.
Dec. 15,	Marion P. Fuller,* . . .	Marion Fuller Peabody, . . .	Boston.
15,	Lenora Smith,* . . .	Lenora Porter, . . .	Taunton.

\* Changed by reason of adoption.

## MIDDLESEX COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1884.</b>			
Jan. 1,	Bernard Boland, . . . . .	Charles William Ward, . . . . .	Concord.
1,	William Albert Bolton, Jr.,*	William Albert Robinson, . . . . .	Boston.
8,	Ellen McDonnell,* . . . . .	Ella Brownell, . . . . .	Newton.
8,	Edwin Esteale,* . . . . .	William Whoell, . . . . .	Stoneham.
15,	Cora Mabel Cullen,* . . . . .	Cora Mabel Pinkerton, . . . . .	Lowell.
22,	Lucy Jane Towns,* . . . . .	Lucy Jane Bickford, . . . . .	Boston.
Feb. 12,	Henry John Gieson, . . . . .	Henry John Gleason, . . . . .	Wayland.
12,	Leora M. Chadwick, . . . . .	Leora M. Kingdon, . . . . .	Cambridge.
Mar. 4,	Lillian May Catherine Rice,*	Lillian May Catherine Ham, . . . . .	Cambridge.
11,	Katie Winslow Tilden,* . . . . .	Lily May Putnam, . . . . .	Brockton.
11,	Joseph Alma Flannery,* . . . . .	Robert Worcester, . . . . .	Boston.
11,	Lucy Annie Mangar, . . . . .	Lucy Annie Hammond, . . . . .	Newton.
25,	Edith Bancroft Wilkinson,* . . . . .	Edith Bancroft Hayes, . . . . .	Medford.
May 6,	Emma Jane Wannofsky, . . . . .	Emma Jane Browne, . . . . .	Hopkinton.
6,	Mary Adams Bassett, . . . . .	Mary Adams Currier, . . . . .	Somerville.
6,	Jennie Mabel Nilson,* . . . . .	Jennie Mabel Lindqvist, . . . . .	Cambridge.
6,	George Oliver Jenkins,* . . . . .	George Francis Baker, . . . . .	Waltham.
13,	George M. McAllister,* . . . . .	George Michael Hart, . . . . .	Boston.
13,	Ransselaer Worth Thyng, . . . . .	Ranford Worthing, . . . . .	Lincoln.
13,	Celia Augusta Thyng, . . . . .	Celia Augusta Worthing, . . . . .	Lincoln.
13,	Edwin Ellsworth Thyng, . . . . .	Edwin Ellsworth Worthing, . . . . .	Lincoln.
13,	Eula Velma Thyng, . . . . .	Eula Velma Worthing, . . . . .	Lincoln.
13,	Luissa May Thyng, . . . . .	Luissa May Worthing, . . . . .	Lincoln.
13,	Frederick Howard Thyng, . . . . .	Frederick Howard Worthing, . . . . .	Lincoln.
13,	Daisy Maud Thyng, . . . . .	Daisy Maud Worthing, . . . . .	Lincoln.
13,	Eva Augusta Thyng, . . . . .	Eva Augusta Worthing, . . . . .	Lincoln.
20,	Hannah Robinson Hobson, . . . . .	Etta Robinson Foster, . . . . .	Lowell.
27,	Mary Davis,* . . . . .	Mary Louise Bayard, . . . . .	Lowell.
27,	Walter Wild,* . . . . .	William Walter Royal, . . . . .	Boston.
June 3,	Josephine Nesmith,* . . . . .	Mabel Jane Buxton, . . . . .	Lowell.
10,	Frank Albert Norman,* . . . . .	Frank Clarence Leslie Spalding, . . . . .	Lowell.
July 1,	Frederick Day Adams,* . . . . .	Engene Adams Dakin, . . . . .	Franklin.
8,	Michael Hiniñin, . . . . .	Michael Hannaford, . . . . .	Somerville.
8,	Margaret Hiniñin, . . . . .	Margaret Hannaford, . . . . .	Somerville.
8,	Mary L. Hiniñin, . . . . .	Mary L. Hannaford, . . . . .	Somerville.
8,	Annie Hiniñin, . . . . .	Annie Hannaford, . . . . .	Somerville.
8,	Louisa M. Hiniñin, . . . . .	Louisa M. Hannaford, . . . . .	Somerville.
8,	Frank H. Hiniñin, . . . . .	Frank H. Hannaford, . . . . .	Somerville.
8,	Edward E. Hiniñin, . . . . .	Edward E. Hannaford, . . . . .	Somerville.
8,	Robert E. Hiniñin, . . . . .	Robert E. Hannaford, . . . . .	Somerville.
15,	Jasper Paine Blake,* . . . . .	Jasper Leon Fisk, . . . . .	Sanbornton, N. H.
22,	George Herbert Hebb,* . . . . .	George Herbert Gibbs, . . . . .	Boston.
Sept. 2,	John Palmer, . . . . .	Norman Brice Goodale, . . . . .	Wakefield.
2,	James Brown,* . . . . .	James Fleming Humphrey, . . . . .	Worcester.
2,	Ida Gertrude Parsons,* . . . . .	Ida Gertrude Hersey, . . . . .	Bangor, Me.
2,	Etta Maud McCallum,* . . . . .	Maud Charlott Carrie Smith, . . . . .	Boston.
2,	Madeleine M. Newkirk,* . . . . .	Grace Madeleine Adams, . . . . .	New York City.
9,	Hariet James,* . . . . .	Margaret Georgina Doherty, . . . . .	Arlington.
9,	Josephine Ferguson,* . . . . .	Lillian Josephine Fiske, . . . . .	Sidney, C. B.
23,	Catherine Kennely,* . . . . .	Catherine Gildea, . . . . .	Natick.
Oct. 7,	Martha Ella Abbott, . . . . .	Ella Abbott Ewings, . . . . .	Boxborough.
14,	Alice Martha Richardson,* . . . . .	Alice Martha Jeffs, . . . . .	Athol.
28,	Jane Berry,* . . . . .	Jane Bowler, . . . . .	Hopkinton.
28,	Ennie Ducey,* . . . . .	Maud Fremont Parmenter, . . . . .	Sherborn.
28,	Evelyn Oscanyan Emerson, . . . . .	Evelyn Russell Emerson, . . . . .	Woburn.
Nov. 11,	Frederick Silas Gregory Reed, . . . . .	Frederick Reed, . . . . .	Cambridge.
11,	Archie Noyes,* . . . . .	Henry Sandow, . . . . .	Natick.
25,	Jerusha B. Fogg, . . . . .	Jerusha B. Stanley, . . . . .	Maynard.
Dec. 2,	Lena Frey,* . . . . .	Laura Lena Bailey, . . . . .	Boston.
9,	Cora Dehman,* . . . . .	Cora Althea Nichols, . . . . .	North Reading.

\* Changed by reason of adoption.

## CHANGE OF NAMES.

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## WORCESTER COUNTY.

Date of Decree.	Original Name.	Name Deceased.	Residence.
<b>1881.</b>			
Jan. 1,	—————,* . . . .	Harry Augustus Warner, . .	Hardwick.
Feb. 5,	Gilbert Henry O'Donnell,* . .	Henry Gilbert Brewin, . .	Athol.
5,	Katie Landergan,* . . . .	Elsie Fiske, . . . .	Athol.
5,	Albert Lincoln Barrell, . . .	Albert Lincoln Pratt, . . .	Fitchburg.
19,	Carrie Eugenie Randall,* . .	Carrie Eugenie Church, . .	Worcester.
Mar. 4,	Agnes Williams,* . . . .	Emma A. Flagg, . . . .	Northborough.
18,	Amos F. Coburn,* . . . .	Amos Francis Frye, . . . .	Worcester.
18,	William P. Coburn,* . . . .	William Philip Frye, . . . .	Worcester.
18,	Catharine Callahan,* . . . .	Katie Black, . . . .	Leicester.
April 1,	George Franklin Pearce,* . .	George Franklin Bedore, . .	Spencer.
1,	Lilla Etta Pearce,* . . . .	Lilla Etta Bedore, . . . .	Spencer.
15,	Clarence Cozzens Bates,* . .	Clarence Bugbee, . . . .	Webster.
15,	Irving Carlos Mann,* . . . .	Irving Carlos Hill, . . . .	Milford.
May 6,	Charlotte May Avery,* . . .	Charlotte May Dawson, . .	Worcester.
6,	Edith Hope Avery,* . . . .	Edith Hope Dawson, . . .	Worcester.
June 3,	Jennie May Burt,* . . . .	Jennie Mary Clark, . . . .	Worcester.
3,	Walter Burton Ball,* . . . .	Walter Burton Stockman, .	Worcester.
17,	Clara Sophia Wright,* . . .	Clara Mabel Ford, . . . .	Spencer.
17,	—————,* . . . .	Edith May Green, . . . .	Spencer.
July 1,	Alice Newton Sprague,* . . .	Bessie Janette Hervey, . .	Athol.
1,	Clarence U. Mills,* . . . .	Clarence U. Dyer, . . . .	Athol.
15,	George Noble Duke,* . . . .	George Noble Chute, . . . .	Leominster.
15,	William Henry Hewes,* . . .	Alfred Lovell Southwick, .	Douglas.
Sept. 2,	Cora Belle Moore,* . . . .	Cora Belle Hayden, . . . .	Oxford.
2,	Maude Sibley,* . . . .	Maude Sibley Chickering, .	Westborough.
2,	Henry Holly,* . . . .	Frederick Henry Foster, . .	Worcester.
2,	William Arthur Farquhar, . .	William Arthur Hill, . . .	Leominster.
2,	Florence Estella Farquhar, .	Florence Estella Hill, . . .	Leominster.
16,	William Henry Newton,* . . .	Edmond William Duplease, .	Sturbridge.
Oct. 28,	Bertha Flaglor,* . . . .	Marian Raymond Whitcomb, .	Fitchburg.
Dec. 2,	Harriet Augusta Stearns,* . .	Harriet Darling Hoar, . . .	Winchendon.
2,	William Carey Gosnold,* . . .	William Carey Hoar, . . . .	Winchendon.
<b>1882.</b>			
Nov. 21,	Maude H. Payne,* . . . .	Maude H. McConnell, . . .	Worcester.
<b>1883.</b>			
June 19,	—— Foster,* . . . .	Eva Vesta Allen, . . . .	Holden.

## HAMPSHIRE COUNTY.

<b>1884.</b>			
Mar. 4,	Marion Matilda Moss,* . . .	Marion Matilda Gilbert, . .	Hadley.
April 1,	Ellen Crane,* . . . .	Ellen Crane Egan, . . . .	Northampton.
June 3,	Emma Nancy Brown,* . . . .	Emma Nancy Clark, . . . .	Huntington.

## HAMPDEN COUNTY.

Jan. 1,	Robert C. Taylor,* . . . .	Robert Charles Parsons, . .	Springfield.
12,	—————,* . . . .	Pearl Deborah Hortense Han- son, . . . .	Holyoke.
Feb. 12,	Mabel Martin,* . . . .	Mabel Louise Uschmann, . .	Holyoke.
12,	Gracie Emmagene Lester,* . .	Gracie Lester Atkins, . . .	Palmer.

\* Changed by reason of adoption.

## HAMPDEN COUNTY—CONCLUDED.

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1881.</b>			
April 1.	Josephine C. Cavanaugh,*	Gracie Elizabeth Smith,	Palmer.
June 3.	Willie Deffner,*	Stephen Austin Buxton,	Springfield.
3.	Elizabeth Day,*	Grace Monroe Pease,	Chicopee.
3.	Mabel Ione Morgan,*	Harriet Lovisa Warner,	Rome, N. Y.
Aug. 6.	Anna Sophia Pennyery,*	Anna Sophia Rebecka Frietag,	Springfield.
Sept. 3.	Helen Gertrude Candee,*	Helen Gertrude Bicknell,	Springfield.
3.	Lizzie S. Streeter,*	Lizzie Streeter Parsons,	Lenox.
3.	Minnie L. Streeter,*	Minnie Palmer Adams,	Orange.
17.	Edward Morse,*	Edward Erving Waterman,	Springfield.
Oct. 1.	Lucy Eliza Abbott,*	Lucy Eliza Abbott Reed,	Springfield.

## FRANKLIN COUNTY.

May 27.	Emily J. Purrington,*	Emily J. Bassett,	Charlemont.
June 17.	Maud Dunkley,*	Maud E. Williams,	Orange.
Sept. 2.	Henry G. Vincent,*	Henry G. Bowman,	Montague.
Oct. 28.	Helen McGuire,*	Helen M. Peck,	Shelburne.

## NORFOLK COUNTY.

Feb. 6.	Sadie Madan,*	Ethel Cook,	Holbrook.
6.	Anna Madan,*	Anna Webster,	Holbrook.
6.	Nellie Frances Madan,*	Nellie Frances Smith,	Holbrook.
13.	Edith Helen Shaw,*	Edith Helen Bullock,	Brockton.
20.	Franklin McEachern,* some- times called Franklin Ham- ilton Watson,	Franklin Loring Weston,	Natick.
Mar. 12.	John William Eccles,*	William Henry Baker,	Chelsea.
26.	Caroline Murray,*	Louise Everett Thompson,	Boston.
April 2.	Benjamin Greeley Cole,	Benjamin Greeley Favor,	Dedham.
May 28.	Mary Tufts Howe,	Mary Elizabeth Tufts,	Medfield.
28.	Cora Rawson Curtis,*	Cora Rawson Ryder,	Braintree.
Sept. 10.	Frank Howard Foote,*	Frank Howard Hamlin,	Boston.
17.	Mary Linnean,*	Lucy Watson Gay,	Sharon.
Nov. 12.	Louis Gabriel Fuchs,*	Louis Edward Whicher,	Quincy.

## PLYMOUTH COUNTY.

Jan. 14.	Gertrude Atkins,*	Gertrude Bernice Stone,	Brockton.
Feb. 25.	Julius W. Jachimonicz,	Julius W. Paul,	Brockton.
April 28.	Mary Emma Simmons,*	Emma Mabel Ramsdell,	Brockton.
June 9.	Clara H. Snow,	Clara H. Thompson,	Rockland.
Sept. 22.	Mytell Mary Henderson,*	Mytell May Stedman,	East Bridgewater.
Oct. 13.	Sadie C. Atwood,*	Lillie Gridley,	Duxbury.
13.	Jessie Josephine Chamberlain,*	Josephine Chamberlain Walker,	Brockton.
13.	Charles Henry Goodwin,*	Charles Henry Grow,	East Bridgewater.
13.	Luzon A. Weeks,*	Luzon Anselm Damon,	Rochester.
27.	Clarence Merton,*	Clarence Merton Allen,	Brockton.
27.	Susan B. Robertson,	Susan B. Holmes,	Kingston.
Dec. 22.	Nettie Russell,*	Nettie Russell Haven,	Brockton.

\* Changed by reason of adoption.

## CHANGE OF NAMES.

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## BRISTOL COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1884.</b>			
Feb. 1,	Hattie Ryder,* . . . .	Georgianna Pell, . . . .	New Bedford.
15,	Bessie E. Short,* . . . .	Bessie E. Rhodes, . . . .	Attleborough.
Mar. 7,	May Jane Davis, . . . .	Name unchanged, . . . .	Somerset.
7,	Mary A. Whalley,* . . . .	Mary Whalley Whittaker, . . . .	Fall River.
7,	Olive Estella Brown,* . . . .	Olive Estella Hack, . . . .	Mansfield.
21,	Joseph Hudson Carlow,* . . . .	Joseph Hudson Howes, . . . .	Taunton.
April 4,	Mary E. Cumiskey,* . . . .	Mary E. McKenzie, . . . .	Westport.
4,	Carrie Trenholm Steves,* . . . .	Carrie Trenholm Short, . . . .	New Bedford.
18,	Lottie Mabel Smith,* . . . .	Charlotte Theresa Schneider, . . . .	Tiverton, R. I.
18,	Emma Westfall,* . . . .	Beatrice Hixon, . . . .	Attleborough.
May 16,	James Burns, . . . .	James Smith, . . . .	Fall River.
June 6,	Mabel Anthony Taylor,* . . . .	Mabel Anthony Fiske, . . . .	Providence, R. I.
6,	Abel Brooks,* . . . .	Abel Tong, . . . .	Fall River.
July 1,	James Smith, . . . .	James Callen, . . . .	Taunton.
12,	Nellie Josephine Spencer,* . . . .	Nellie Josephine Perdom, . . . .	Boston.
12,	Fred Lawrence Harvey, . . . .	Name unchanged, . . . .	Raynham.
Aug. 1,	Nameless child, . . . .	Walter Gray, . . . .	Westport.
1,	Floretta Mabel Brown,* . . . .	Ethel May Campbell, . . . .	Fall River.
Sept. 5,	David Davis,* . . . .	David Greene, . . . .	Fall River.
Oct. 3,	Mabel E. McGann,* . . . .	Paulina Mathilda Hansen, . . . .	Woonsocket.
17,	Emma M. Burns,* . . . .	Emma M. Haskins, . . . .	Taunton.
Dec. 5,	Winnona A. Manchester,* . . . .	Maud Elizabeth Prew, . . . .	Fall River.
5,	Howard Pratt,* . . . .	Howard Pratt Adams, . . . .	Boston.

## BARNSTABLE COUNTY.

May 21,	Helena White,* . . . .	Georgia Warren Gould, . . . .	Chatham.
Aug. 12,	Inez I. Clute,* . . . .	Inez M. Crocker, . . . .	Provincetown.
Sept. 9,	Willie Dempster,* . . . .	Albert W. Hinkley, . . . .	Falmouth.

## DUKES COUNTY.

June 2,	George C. Wheeler,* . . . .	George Cronwell Greene, . . . .	Cottage City.
Oct. 15,	Beatrice Fuller,* . . . .	Daisy Mary Wesley, . . . .	Cottage City.
Nov. 1,	Ruth E. Defose, . . . .	Ruth E. Chadwick, . . . .	Cottage City.

## NANTUCKET COUNTY.

April 10,	John R. Sylvia, . . . .	John M. Sylvia, . . . .	Nantucket.
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\* Changed by reason of adoption.



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THE  
CIVIL GOVERNMENT

OF THE  
*Commonwealth of Massachusetts.*

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH  
FOR THE POLITICAL YEAR

1885.

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# EXECUTIVE DEPARTMENT.

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HIS EXCELLENCY

GEORGE D. ROBINSON,  
GOVERNOR.

EDWIN A. GROZIER . . . . . *Private Secretary.*  
EDWARD F. HAMLIN . . . . . *Executive Clerk..*

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HIS HONOR

OLIVER AMES,  
LIEUTENANT-GOVERNOR.

COUNCIL—(By Districts).

I.—JONATHAN BOURNE . . . . . New Bedford  
II.—WARREN E. LOCKE . . . . . Norwood.  
III.—JOHN HASKELL BUTLER . . . . . Somerville.  
IV.—PATRICK MAGUIRE . . . . . Boston.  
V.—EDWARD H. HASKELL . . . . . Gloucester.  
VI.—ABRAHAM B. COFFIN . . . . . Winchester.  
VII.—HENRY C. GREELEY . . . . . Clinton.  
VIII.—ZENAS CRANE, JR. . . . . Dalton.

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HENRY B. PEIRCE.

SECRETARY OF THE COMMONWEALTH.

HENRY J. COOLIDGE, *1st Clerk.* ISAAC H. EDGETT, *2d Clerk.*  
GEORGE G. SPEAR, JR., *3d Clerk.*

DANIEL A. GLEASON,

TREASURER AND RECEIVER-GENERAL.

JOHN Q. ADAMS, *1st Clerk.* GEORGE S. HALL, *2d Clerk.*

CHARLES R. LADD,

AUDITOR OF ACCOUNTS.

WILLIAM D. HAWLEY, *1st Clerk.* EDWARD S. DAVIS, *2d Clerk.*

EDGAR J. SHERMAN,

ATTORNEY-GENERAL.

HARVEY N. SHEPARD, . . . . . *Assistant Attorney-General.*

# LEGISLATIVE DEPARTMENT.

## GENERAL COURT:

ARRANGED IN ACCORDANCE WITH THE DISTRICT REVISION OF 1876.

## SENATE.

*President* — ALBERT E. PILLSBURY.

District.	Name of Senator.	Residence.
First Suffolk, . . .	Wesley A. Gove, . . .	Boston.
Second " . . .	Ezra J. Trull, . . .	Boston.
Third* " . . .	Alexander B. McGahey, .	Boston.
Fourth " . . .	John F. Andrew, . . .	Boston.
Fifth " . . .	Henry F. Naphen, . . .	Boston.
Sixth " . . .	Albert E. Pillsbury, . .	Boston.
Seventh " . . .	Paul H. Kendricken, . .	Boston.
Eighth " . . .	George L. Burt, . . .	Boston.
First Essex, . . .	Josiah C. Bennett, . . .	Lynn.
Second " . . .	William Cogswell, . . .	Salem.
Third " . . .	William H. Tappan, . . .	Manchester.
Fourth " . . .	George W. Morrill, . . .	Amesbury.
Fifth " . . .	Charles B. Emerson, . .	Bradford.
Sixth " . . .	Newton P. Frye, . . .	North Andover.
First Middlesex, .	Eleazar Boynton, . . .	Medford.
Second " . . .	Augustus E. Scott, . . .	Lexington.
Third " . . .	Henry J. Wells, . . .	Cambridge.
Fourth " . . .	Francis Bigelow, . . .	Natick.

\* Seat contested; declared vacant and new election held March 3, 1885. Alexander B. McGahey elected. Qualified March 12.

District.	Name of Senator.	Residence.
Fifth Middlesex, .	George W. Sanderson, .	Littleton.
Sixth " . .	John M. Harlow, . .	Woburn.
Seventh " . .	George A. Marden, . .	Lowell.
First Worcester, .	Martin V. B. Jefferson, .	Worcester.
Second " . .	Arthur F. Whitin, . .	Northbridge.
Third " . .	Charles A. Denny, . .	Leicester.
Fourth " . .	Thomas P. Root, . .	Barre.
Fifth " . .	Henry S. Nourse, . .	Lancaster.
Hampshire, . .	Myron P. Walker, . .	Belchertown.
First Hampden, .	William R. Sessions, .	Hampden.
Second " . .	James R. Dunbar, . .	Westfield.
Franklin, . . .	Levi J. Gunn, . . .	Greenfield.
North Berkshire, .	S. Proctor Thayer, . .	North Adams.
South " . . .	Herbert C. Joyner, . .	Gt. Barrington.
First Norfolk, . .	Frank M. Ames, . . .	Canton.
Second " . . .	Edward I. Thomas, . .	Brookline.
First Plymouth, .	Charles H. Howland, .	Plymouth.
Second " . . .	Horace Reed, . . .	South Abington.
First Bristol, . .	Frederick L. Burden, .	Attleborough.
Second " . . .	Job M. Leonard, . . .	Somerset.
Third " . . .	Eben C. Milliken, . .	New Bedford.
Cape, . . . .	Howes Norris, . . .	Cottage City.

STEPHEN N. GIFFORD, . . . *Clerk.*  
 EDMUND DOWSE, . . . *Chaplain.*  
 O. F. MITCHELL, . . . *Sergeant-at-Arms.*

## HOUSE OF REPRESENTATIVES.

*Speaker* — JOHN Q. A. BRACKETT.

## COUNTY OF SUFFOLK.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	Boston, Ward 1,	{ Jesse M. Gove, . Peter Morrison, .	Boston. Boston.
2d,	Boston, Ward 2,	{ Daniel F. Kelly, . James E. Fitzgerald,	Boston. Boston.
3d,	Boston, Ward 3,	{ George A. Sanderson. Patrick T. Barry, .	Boston. Boston.
4th,	Boston, Ward 4,	. Oliver Prime, . .	Boston.
5th,	Boston, Ward 5,	{ Philip J. Doherty, . John R. Murphy, .	Boston. Boston.
6th,	Boston, Ward 6,	{ Dennis J. Leahy, . Edward J. Flynn, .	Boston. Boston.
7th,	Boston, Ward 7,	{ Daniel McLaughlin, Dominick J. Harkins,	Boston. Boston.
8th,	Boston, Ward 8,	{ Matthew Dolan, . Patrick D. Dwyer, .	Boston. Boston.
9th,	Boston, Ward 9,	{ Augustine H. Read, Julius C. Chappelle,*	Boston. Boston.
10th,	Boston, Ward 10,	{ Jacob A. Dresser, . Prentiss Cummings,	Boston. Boston.
11th,	Boston, Ward 11,	{ William F. Wharton, Edward P. Wilbur,	Boston. Boston.
12th,	Boston, Ward 12,	{ Edward J. Fossitt, . John R. Farrell, .	Boston. Boston.
13th,	Boston, Ward 13,	{ John J. Maguire, . Robert C. Murray, .	Boston. Boston.
14th,	Boston, Ward 14,	{ Richard F. Tobin, . John A. Collins, .	Boston. Boston.

\* Seated by Resolution of Jan. 20, 1885, in place of CHARLES A. PRINCE; qualified 21st.

## COUNTY OF SUFFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
15th,	Boston, Ward 15,	{ Michael J. Creed, . William Corbett, .	Boston. Boston.
16th,	Boston, Ward 16,	{ Jeremiah Desmond, James Donovan, .	Boston. Boston.
17th,	Boston, Ward 17,	{ John Q. A. Brackett, Charles C. Coffin, .	Boston. Boston.
18th,	Boston, Ward 18,	{ William A. Rust, . Alanson W. Beard,	Boston. Boston.
19th,	Boston, Ward 19,	{ John J. Madden, . Patrick F. Devney,	Boston. Boston.
20th,	Boston, Ward 20,	{ Michael J. McEttrick, John E. Ward, .	Boston. Boston.
21st,	Boston, Ward 21,	{ Halsey J. Boardman, Samuel G. Davis, .	Boston. Boston.
22d,	Boston, Ward 22,	Thomas F. Hunt, .	Boston.
23d,	Boston, Ward 23,	{ William H. Spooner, William C. Peters, .	Boston. Boston.
24th,	Boston, Ward 24,	{ Hazard Stevens, . John Pierce, . .	Boston. Boston.
25th,	Boston, Ward 25,	Charles L. Randall,	Boston.
26th,	{ Chelsea, Wds. 1, 2, 3, 4 Revere, . . . Winthrop . . . }	Thomas Strahan, . Simeon Butterfield, Albert S. Burnham,	Chelsea. Chelsea. Revere.

## COUNTY OF ESSEX.

1st,	{ Rockport, Gloucester, Ward 7, }	John G. Dennis, .	Rockport.
2d,	{ Gloucester, Wards 1, 2, 3, 4, 5, 6, }	Henry Friend, . Cyrus Story, . .	Gloucester. Gloucester.
3d,	{ Gloucester, Ward 8, Essex, . . . Manchester, . . Hamilton, . . }	David L. Haskell, .	Essex.

## HOUSE OF REPRESENTATIVES.

## COUNTY OF ESSEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	{ Wenham, . . . Danvers, . . . }	N. Porter Perkins, .	Wenham.
5th,	Beverly, . . .	Charles L. Dodge, .	Beverly.
6th,	Salem, Wards 1, 2, 5, {	Robert S. Rantoul, . Edward Collins, .	Salem. Salem.
7th,	Salem, Wards 3, 4, 6, {	Patrick F. Tierney, Timothy Bryant, .	Salem. Salem.
8th,	{ Marblehead, . . . Swampscott, . . . }	Samuel Roads, Jr., Samuel O. Ingalls,	Marblehead. Swampscott.
9th,	Lynn, Ward 3, .	Frank W. Jones, .	Lynn.
10th,	{ Lynn, Wards 1, 2, 4, 5, 7, . . . . . Nahant, . . . . . }	Amos Beckford, . Patrick S. Curry, . William B. Moulton,	Lynn. Lynn. Lynn.
11th,	Lynn, Ward 6, .	Daniel Mullen, .	Lynn.
12th,	Peabody, . . .	William H. Brown,	Peabody.
13th,	{ Saugus, . . . . . Lynnfield, . . . . . Middleton, . . . . . Topsfield, . . . . . }	John H. Towne, .	Topsfield.
14th,	{ Andover, . . . . . North Andover, . . . }	Charles Smith, .	Andover.
15th,	{ Boxford, . . . . . Rowley, . . . . . Ipswich, . . . . . }	William A. Stackpole,	Ipswich.
16th,	{ Newbury, . . . . . Newburypt, Wards 1, 2, 3, 4, 5, 6, . }	Henry M. Cross, . Willard J. Hale, .	Newburyport. Newburyport.
17th,	{ Georgetown, . . . Groveland, . . . Bradford, . . . }	John B. Farrar, .	Bradford.
18th,	{ West Newbury, . . . Salisbury, . . . . . Amesbury, . . . . . Merrimac, . . . . . }	Alex. M. Huntington, Moses C. Smith, .	Amesbury. W. Newbury.

# HOUSE OF REPRESENTATIVES.

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## COUNTY OF ESSEX — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
19th,	{ Haverhill, Wards 1, } 2, 3, 4, 5, 6, . . }	William H. Johnson, Edw.G. Frothingham, John E. Sawyer, . .	Haverhill. Haverhill. Methuen.
20th,	{ Lawrence, Wards 1, } 2, 3, . . . }	Edw'd F. O'Sullivan, John F. McQueeney,	Lawrence. Lawrence.
21st,	{ Lawrence, Wards 4, } 5, 6, . . . }	James Murphy, . . Milton B. Townsend,	Lawrence. Lawrence.

## COUNTY OF MIDDLESEX.

1st,	{ Cambridge, Wards } 1, 5, . . . }	William A. Bancroft Woodward Emery,	Cambridge. Cambridge.
2d,	{ Cambridge, Wards { } 2, 4, . . . }	George C. Bent, . . Geo.D.Chamberlain, John W. Wilkinson,	Cambridge. Cambridge. Cambridge.
3d,	Cambridge, Ward 3,	William E. Doyle, .	Cambridge.
4th,	Somerville, Ward 1,	Levi F. S. Davis, .	Somerville.
5th,	Somerville, Ward 2,	William H. Flynn, .	Somerville.
6th,	{ Somerville, Wards } 3, 4, . . . }	Joseph W. Bailey, .	Somerville.
7th,	Medford, . . .	John H. Hooper, .	Medford.
8th,	{ Malden, Wards 1, 2, } 3, 4, 5, 6, . . . }	Joshua H. Millett, . George W. Walker,	Malden. Malden.
9th,	Melrose, . . .	John W. Farwell, .	Melrose.
10th,	Stoneham, . . .	George Cowdrey, .	Stoneham.
11th,	Wakefield, . . .	Arlon S. Atherton, .	Wakefield.
12th,	{ Reading, . . . } North Reading, . . }	Horace G. Wadlin, .	Reading.
13th,	Woburn, . . .	John P. Crane, . .	Woburn.
14th,	{ Arlington, . . . } Winchester, . . . }	Samuel J. Elder, . .	Winchester.

## COUNTY OF MIDDLESEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
15th,	{ Watertown, . . } Belmont, . . }	J.Varnum Fletcher,	Belmont.
16th,	{ Newton, Wards 1, } 2, 3, 4, 5, 6, 7, . }	Elijah W. Wood, . Willard Marcy, .	Newton. Newton.
17th,	{ Waltham, Wards 1, } 2, 3, 4, 5, 6, 7, . }	Erskine Warden, .	Waltham.
18th,	{ Lexington, . . } Burlington, . . } Bedford, . . } Billerica, . . }	Henry Wood, . .	Bedford.
19th,	{ Tewksbury, . . } Chelmsford, . . } Tyngsborough, . . } Dracut, . . . }	Perley P. Perham, .	Chelmsford.
20th,	Lowell, Ward 1, .	John J. Hogan, .	Lowell.
21st,	Lowell, Ward 2, .	Joseph S. Brown, .	Lowell.
22d,	Lowell, Ward 3, .	Frank J. Donahoe, .	Lowell.
23d,	Lowell, Ward 4, .	Solon W. Stevens, .	Lowell.
24th,	Lowell, Ward 5, .	Joseph M. Wilson, .	Lowell.
25th,	Lowell, Ward 6, .	Fred. T. Greenhalge,	Lowell.
26th,	{ Concord, . . } Acton, . . . } Carlisle, . . . } Lincoln, . . . }	Charles W. Parker,	Acton.
27th,	{ Weston, . . . } Wayland, . . . } Sudbury, . . . } Maynard, . . . }	Alvin D. Russell, .	Maynard.
28th,	Natick, . . .	Alexander Blaney,	Natick.
29th,	{ Holliston, . . } Sherborn, . . }	Clement P. Dozois,	Holliston.
30th,	{ Hopkinton, . . } Ashland, . . . }	Alonzo Coburn, .	Hopkinton.
31st,	Framingham, . .	John Clark, . .	Framingham.

# HOUSE OF REPRESENTATIVES.

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## COUNTY OF MIDDLESEX — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
32d,	Marlborough, . . .	Wm. N. Davenport,	Marlborough.
33d,	{ Hudson, . . . } { Stow, . . . } { Boxborough, . . . } { Littleton, . . . }	Wm. F. Trowbridge,	Hudson.
34th,	{ Westford, . . . } { Groton, . . . } { Dunstable, . . . } { Pepperell, . . . }	Noah Prescott, .	Westford.
35th,	{ Ayer, . . . } { Shirley, . . . } { Townsend, . . . } { Ashby, . . . }	Julian W. Eastman,	Townsend.

## COUNTY OF WORCESTER.

1st,	{ Blackstone, . . . } { Uxbridge, . . . }	Daniel Wheelock, .	Blackstone.
2d,	{ Mendon, . . . } { Milford, . . . } { Upton, . . . }	James F. Stratton, . Henry J. Bailey, .	Milford. Milford.
3d,	{ Northbridge, . . . } { Grafton, . . . }	Benj. L. M. Smith, .	Northbridge.
4th,	{ Westborough, . . . } { Southborough, . . . }	Edwin B. Harvey, .	Westborough.
5th,	{ Clinton, . . . } { Berlin, . . . } { Bolton, . . . } { Sterling, . . . } { Lancaster, . . . } { Harvard, . . . } { Lunenburg, . . . }	Henry Hyde, . . . Frank L. Wilder, .	Berlin. Sterling.
6th,	{ Fitchburg, Wards 1, } { 2, 3, 4, 5, 6, . . . }	Harris C. Hartwell, Benjamin F. Wallis,	Fitchburg. Fitchburg.
7th,	{ Winchendon, . . . } { Ashburnham, . . . } { Gardner, . . . } { Westminster, . . . } { Princeton, . . . }	Roderic L. Bent, . . Charles J. Rice, .	Gardner. Winchendon.

## HOUSE OF REPRESENTATIVES.

## COUNTY OF WORCESTER — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
8th,	{ Athol, . . . Royalston, . . }	Wash'n H. Amsden,	Athol.
9th,	{ Petersham, . . . Phillipston, . . . Templeton, . . . Hubbardston, . . }	Emory S. Bates, .	Phillipston.
10th,	{ Dana, . . . Hardwick, . . . Barre, . . . Oakham, . . . New Braintree, . }	George Manly, .	Hardwick.
11th,	{ Rutland, . . . Holden, . . . Paxton, . . . Leicester, . . . }	Henry W. Warren, .	Holden.
12th,	{ West Brookfield, . Warren, . . . Brookfield, . . . No. Brookfield, . Sturbridge, . . }	Edwin D. Goodell, . David B. Wight, .	Brookfield. Sturbridge.
13th,	{ Spencer, . . . Charlton, . . . Southbridge, . . . Oxford, . . . }	Allen L. Joslin, . Henry G. Lamb, .	Oxford. Charlton.
14th,	{ Douglas, . . . Webster, . . . Dudley, . . . }	Philip Smith, . .	Dudley.
15th,	{ Auburn, . . . Millbury, . . . Sutton, . . . }	Osgood H. Waters, .	Millbury.
16th,	{ Shrewsbury, . . . Northborough, . . . Boylston, . . . West Boylston, . . }	Horatio Houghton, .	West Boylston.
17th,	Leominster, . .	James Hadley, . .	Leominster.
18th,	Worcester, Ward 1,	Augustus N. Carrier,	Worcester.
19th,	Worcester, Ward 2,	Henry M. Smith, .	Worcester.
20th,	Worcester, Ward 3,	John F. O'Connor, .	Worcester.

## COUNTY OF WORCESTER — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
21st,	Worcester, Ward 4,	James J. Tierney, .	Worcester.
22d,	Worcester, Ward 5,	Joseph S. Perry, .	Worcester.
23d,	Worcester, Ward 6,	Loring Coes, . .	Worcester.
24th,	Worcester, Ward 7,	Emerson Warner, .	Worcester.
25th,	Worcester, Ward 8,	Joseph Mason, .	Worcester.

## COUNTY OF HAMPSHIRE.

1st,	{ Easthampton, . . . } { Northampton, W'ds 1, 2, 3, 4, 5, 6, 7, . } { Southampton, . . }	Charles N. Clark, . Flavel K. Sheldon, .	Northampton. Southampton.
2d,	{ Hadley, . . . } { Hatfield, . . . } { Westhampton, . . } { Williamsburg, . }	Charles Cook, .	Hadley.
3d,	{ Chesterfield, . . } { Cumnington, . . } { Goshen, . . . } { Huntington, . . } { Middlefield, . . } { Plainfield, . . } { Worthington, . . }	Metcalf J. Smith, .	Middlefield.
4th,	{ Amherst, . . . } { Pelham, . . . } { Prescott, . . . } { South Hadley, . }	Henry H. Goodell, .	Amherst.
5th,	{ Belchertown, . . } { Enfield, . . . } { Granby, . . . } { Greenwich, . . } { Ware, . . . }	William C. Eaton, .	Ware.

## COUNTY OF HAMPDEN.

1st,	{ Monson, . . . } { Brimfield, . . . } { Holland, . . . } { Wales, . . . }	Wilson M. Tucker,	Monson.
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## HOUSE OF REPRESENTATIVES.

## COUNTY OF HAMPDEN — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
2d,	{ Palmer, . . . } { Wilbraham, . . . } { Hampden, . . . } { Ludlow, . . . }	Moses H. Warren, .	Hampden.
3d,	Chicopee, . . .	Matthew Ryan.	Chicopee.
4th,	{ Springfield, Wards } { 1, 2, . . . }	Charles W. Richards, Charles C. Smith, .	Springfield. Springfield.
5th,	{ Springfield, Wards } { 3, 6, . . . }	William F. Cook, .	Springfield.
6th,	{ Springfield, Wards } { 4, 7, . . . } { Longmeadow, . }	Edmund P. Kendrick,	Springfield.
7th,	{ Springfield, Wards } { 5, 8, . . . }	Edwin S. Stacy, .	Springfield.
8th,	{ Holyoke, Wards 1, } { 2, 3, 4, 5, . . }	John H. Wright, .	Holyoke.
9th,	{ Holyoke, Wards 6, 7, } { West Springfield, . }	Ashton E. Hemphill,	Holyoke.
10th,	{ Westfield, . . . } { Agawam, . . . } { Montgomery, . . }	Charles N. Oakes, . Eber A. Egleston, .	Westfield. Westfield.
11th,	{ Southwick, . . . } { Granville, . . . } { Tolland, . . . } { Blandford, . . . } { Chester, . . . } { Russell, . . . }	Marshall V. Stowe,	Granville.

## COUNTY OF FRANKLIN.

1st,	{ Erving, . . . } { Warwick, . . . } { Orange, . . . } { New Salem, . . }	Samuel Hastings, .	Warwick.
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## COUNTY OF FRANKLIN — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
2d,	{ Montague, . . . Sunderland, . . . Leverett, . . . Shutesbury, . . . Wendell, . . . }	Chas. W. Hazelton,	Montague.
3d,	{ Greenfield, . . . Gill, . . . Shelburne, . . . }	Edwin Baker,	Shelburne.
4th,	{ Deerfield, . . . Conway, . . . Whately, . . . }	Pharcellus D. Bridges,	Deerfield.
5th,	{ Northfield, . . . Bernardston, . . . Leyden, . . . Colrain, . . . Heath, . . . }	Henry W. Webster,	Northfield.
6th,	{ Ashfield, . . . Buckland, . . . Charlemont, . . . Hawley, . . . Rowe, . . . Monroe, . . . }	Ansel L. Tyler,	Charlemont.

## COUNTY OF BERKSHIRE.

1st,	{ Hancock, . . . Lanesborough, . . . New Ashford, . . . Williamstown, . . . Clarksburg, . . . }	Bushnell Danforth,	Williamstown.
2d,	{ Adams, . . . North Adams, . . . }	Moses B. Darling, . John S. Adams, .	North Adams. Adams.
3d,	{ Pittsfield, . . . Dalton, . . . }	Dewitt C. Munyan, John Allen Root, .	Pittsfield. Pittsfield.
4th,	{ Florida, . . . Savoy, . . . Cheshire, . . . Windsor, . . . Washington, . . . Peru, . . . Hinsdale, . . . }	Edwin Tremain, .	Hinsdale.

## COUNTY OF BERKSHIRE — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
5th,	{ Becket, . . . } { Lee, . . . } { Otis, . . . } { Tyringham, . . }	Henry C. Phelps, .	Lee.
6th,	{ Richmond, . . . } { Lenox, . . . } { Stockbridge, . . } { West Stockbridge, . }	Chauncey Sears, .	Lenox.
7th,	{ Alford, . . . } { Egremont, . . . } { Great Barrington, . }	Alfred S. Fassett, .	Gt. Barrington.
8th,	{ Monterey, . . . } { Mt. Washington, . }	Charles A. Claflin, .	Sandisfield.

## COUNTY OF NORFOLK.

1st,	{ Dedham, . . . } { Norwood, . . . }	Tyler Thayer, .	Norwood.
2d,	Brookline, . . .	Clement K. Fay, .	Brookline.
3d,	Hyde Park, . . .	Samuel R. Moseley,	Hyde Park.
4th,	{ Milton, . . . } { Canton, . . . }	J. Walter Bradlee, .	Milton.
5th,	{ Quincy, . . . } { Weymouth, . . . }	{ Herbert M. Federhen, George A. Cushing, Francis Ambler,	{ Quincy. Weymouth. Weymouth.
6th,	{ Braintree, . . . } { Holbrook, . . . }	Willard F. Gleason,	Holbrook.
7th,	{ Randolph, . . . } { Stoughton, . . . } { Sharon, . . . } { Walpole, . . . }	{ William Neale, . William W. Hurley,	{ Stoughton. Randolph.
8th,	{ Franklin, . . . } { Foxborough, . . . } { Wrentham, . . . } { Bellingham, . . . } { Medway, . . . }	{ William H. Wade, . William F. Ray, .	{ Wrentham. Franklin.

## COUNTY OF NORFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
9th,	{ Needham, . . . } { Dover, . . . } { Medfield, . . . } { Norfolk, . . . } { Wellesley, . . . }	Enos H. Tucker, .	Needham.

## COUNTY OF PLYMOUTH.

1st,	{ Hingham, . . . } { Hull, . . . }	Joseph O. Burdett, .	Hingham.
2d,	{ Cohasset, . . . } { Scituate, . . . } { South Scituate, . . . }	Chas. A. Litchfield,	So. Scituate.
3d,	{ Marshfield, . . . } { Pembroke, . . . } { Hanson, . . . } { Halifax, . . . }	John Barker, . .	Hanson.
4th,	{ Duxbury, . . . } { Kingston, . . . } { Plympton, . . . } { Carver, . . . }	Albert M. Thayer, .	Duxbury
5th,	Plymouth, . .	Arthur Lord, . .	Plymouth.
6th,	{ Wareham, . . . } { Rochester, . . . } { Marion, . . . } { Mattapoissett, . . . }	Edward F. Handy, .	Wareham.
7th,	{ Middleborough, . . . } { Lakeville, . . . }	Albert T. Savery, .	Middleboro'.
8th,	{ Bridgewater, . . . } { East Bridgewater, . . . }	Nahum Leonard, .	Bridgewater.
9th,	{ Rockland, . . . } { Hanover, . . . }	Isaac Gilman Stetson.	Hanover.
10th,	{ Brockton, Wards 1, 2, 3, 4, 5, 6, 7, . . . } { West Bridgewater, . . . }	John J. Whipple, . Warren T. Copeland,	Brockton. Brockton.
11th,	{ Abington, . . . } { South Abington, . . . }	James F. Cox, .	Abington.

## HOUSE OF REPRESENTATIVES.

## COUNTY OF BRISTOL.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Attleborough, . . . Norton, . . . Mansfield, . . . }	Moses Lincoln, . George A. Adams, .	Norton. Attleborough.
2d,	{ Easton, . . . Raynham, . . . }	Alson A. Gilmore, .	Easton.
3d,	{ Taunton, Wards 1, 2, 3, 4, 5, 6, 7, 8, . Berkley, . . . }	Zacheus Sherman, . Benj. S. Bosworth, . Horace W. Durgin, .	Taunton. Taunton. Taunton.
4th,	{ Acushnet, . . . Fairhaven, . . . Freetown, . . . }	Henry H. Winslow, .	Freetown.
5th,	{ New Bedford, W'ds 1, 2, 3, . . . }	Oliver P. Brightman, . Augustus Swift, .	New Bedford. New Bedford.
6th,	{ New Bedford, W'ds 4, 5, 6, . . . }	E. Williams Hervey, . Thomas W. Cook, .	New Bedford. New Bedford.
7th,	{ Westport, . . . Dartmouth, . . . }	Edward C. Almy, .	Dartmouth.
8th,	{ Fall River, Wards 1, 2, 3, 4, 5, 6, . }	Bernard J. Conway, . Augustus P. Gorman, . Michael Tootle, .	Fall River. Fall River. Fall River.
9th,	{ Fall River, Wards 7, 8, 9, . . . Somerset, . . . }	Robert Henry,* . John C. Milne, .	Fall River. Fall River.
10th,	{ Seekonk, . . . Swanzy, . . . Rehoboth, . . . Dighton, . . . }	George N. Goff, .	Rehoboth.

## COUNTY OF BARNSTABLE.

1st,	{ Sandwich, . . . Bourne, . . . Falmouth, . . . }	Asa P. Tobey, .	Falmouth.
2d,	{ Barnstable, . . . Mashpee, . . . }	Zenas E. Crowell, .	Barnstable.

\* Elected Feb. 3, 1885, qualified Feb. 11, in place of JAMES F. DAVENPORT, who did not take his seat, and deceased Jan. 17.

## COUNTY OF BARNSTABLE — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	{ Yarmouth, . . . } Dennis, . . . }	Joshua Crowell, .	Dennis.
4th,	{ Harwich, . . . } Chatham, . . . }	Ambrose N. Doane,	Harwich.
5th,	{ Brewster, . . . } Orleans, . . . } Eastman, . . . } Wellfleet, . . . }	Tully Crosby, Jr., .	Brewster.
6th,	{ Truro, . . . } Provincetown, . . . }	Benjamin D. Atkins,	Provincetown.

## COUNTY OF DUKES COUNTY.

1st,	{ Chilmark, . . . } Cottage City, . . . } Edgartown, . . . } Gay Head, . . . } Gosnold, . . . } Tisbury, . . . }	Everett Allen Davis,	Tisbury.
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## COUNTY OF NANTUCKET.

1st,	Nantucket, . . .	John W. Hallett, .	Nantucket.
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EDWARD A. McLAUGHLIN, . . . *Clerk.*  
 DANIEL W. WALDRON, . . . *Chaplain.*  
 O. F. MITCHELL, . . . *Sergeant-at-Arms.*

# JUDICIAL DEPARTMENT.

---

## SUPREME JUDICIAL COURT.

### CHIEF JUSTICE.

MARCUS MORTON, . . . . . of *Andover*.

### ASSOCIATE JUSTICES.

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CHARLES DEVENS, . . . . . of *Worcester*.  
WILLIAM ALLEN, . . . . . of *Northampton*.  
CHARLES ALLEN, . . . . . of *Boston*.  
WALDO COLBURN, . . . . . of *Dedham*.  
OLIVER WENDELL HOLMES, Jr., . . . . . of *Boston*.

---

## SUPERIOR COURT.

### CHIEF JUSTICE.

LINCOLN F. BRIGHAM, . . . . . of *Salem*.

### ASSOCIATE JUSTICES.

JULIUS ROCKWELL, . . . . . of *Lenox*.  
ROBERT C. PITMAN, . . . . . of *Newton*.  
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P. EMORY ALDRICH, . . . . . of *Worcester*.  
WILLIAM S. GARDNER, . . . . . of *Newton*.  
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JAMES T. ROBINSON, North Adams, . . . .	BERKSHIRE.
GEORGE WHITE, Newton, . . . .	NORFOLK.
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HIRAM P. HARRIMAN, Wellfleet, . . . .	BARNSTABLE.
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FRANCIS M. THOMPSON, Greenfield, . . . .	FRANKLIN.
EDWARD T. SLOCUM, Lee, . . . .	BERKSHIRE.
JONATHAN COBB, Dedham, . . . .	NORFOLK.
EDWARD E. HOBART, Bridgewater, . . . .	PLYMOUTH.
JOHN H. GALLIGAN, Taunton, . . . .	BRISTOL.
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EVERETT C. BUMPUS, Weymouth, . . . .	SOUTH-EASTERN.
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WILLIAM S. B. HOPKINS, Worcester, . . . .	MIDDLE.
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JOHN NOBLE, Boston, Supreme Judicial Court, . . . . .	SUFFOLK.
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JOHN P. MANNING, Boston, Criminal Term, . . . . .	
DEAN PEABODY, Lynn, . . . . .	ESSEX.
THEODORE C. HURD, Cambridge, . . . . .	MIDDLESEX.
THEODORE S. JOHNSON, Worcester, . . . . .	WORCESTER.
WILLIAM H. CLAPP, Northampton, . . . . .	HAMPSHIRE.
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SAMUEL KENISTON, Edgartown, . . . . .	DUKES.
JOHN F. BROWN, Nantucket, . . . . .	NANTUCKET.

## MEMBERS OF THE FORTY-NINTH CONGRESS.

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[Congressional Districts established by Chap. 253, Acts of 1852.]

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GEORGE F. HOAR, . . . . of *Worcester*.

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DISTRICT I. — ROBERT T. DAVIS, . . . of *Fall River*.  
II. — JOHN D. LONG, . . . of *Hingham*.  
III. — AMBROSE A. RANNEY, . . . of *Boston*.  
IV. — PATRICK A. COLLINS, . . . of *Boston*.  
V. — EDWARD D. HAYDEN, . . . of *Woburn*.  
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VII. — EBEN F. STONE, . . . of *Newburyport*.  
VIII. — CHARLES H. ALLEN, . . . of *Lowell*.  
IX. — FREDERICK D. ELY, . . . of *Dedham*.  
X. — WILLIAM W. RICE, . . . of *Worcester*.  
XI. — WILLIAM WHITING, . . . of *Holyoke*.  
XII. — FRANCIS W. ROCKWELL, . . of *Pittsfield*.

## Commonwealth of Massachusetts.

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SECRETARY'S DEPARTMENT, BOSTON, July 20, 1885.

I certify that the Acts and Resolves contained in this volume are true copies of the originals, and that the accompanying papers are transcripts of official records and returns.

I further certify that the tables showing the changes made in the general statutes by the legislation of the present year have been prepared and are published as an appendix to this edition of the laws by direction of the Governor, in accordance with the provisions of Chap. 238 of the Acts of 1882.

HENRY B. PEIRCE,

*Secretary of the Commonwealth.*

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# APPENDIX.

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The following tables have been prepared by Charles U. Bell, Esq., appointed to that duty under Chap. 238 of the Acts of 1882, which authorized the Governor to appoint some person to prepare "tables showing what general statutes have been affected by subsequent legislation, in such manner as to furnish ready reference to all changes in such statutes."

A TABLE SHOWING WHAT GENERAL STATUTES OF THE  
COMMONWEALTH AND WHAT CHAPTERS OF THE  
PUBLIC STATUTES HAVE BEEN AFFECTED  
BY SUBSEQUENT LEGISLATION.

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STATUTES OF THE COMMONWEALTH.

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[The changes are more fully stated under the appropriate chapter of the Public Statutes.]

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ST. 1853.

CHAPTER 365.

AN ACT RELATING TO THE HARBOR OF GLOUCESTER.

Repealed. Stat. 1885, c. 315. P. S., c. 19.

ST. 1869.

CHAPTER 143.

AN ACT TO AMEND AN ACT RELATING TO THE HARBOR OF GLOUCESTER.

Repealed. St. 1885, c. 315. P. S., c. 19.

ST. 1874.

CHAPTER 372.

AN ACT CONCERNING BONDS OF RAILROAD CORPORATIONS.

Acts done under this act are ratified. St. 1883, c. 7, § 1. P. S., c. 112, § 62.

CHAPTER 406, SECTION 1.

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS, ETC.

In part repealed. St. 1882, c. 238, § 3. P. S., c. 4.

ST. 1877.

CHAPTER 186.

AN ACT IN RELATION TO OVERSEERS OF THE POOR.

Amended. St. 1883, c. 203, § 1. P. S., c. 27, § 65.

ST. 1878.

CHAPTER 255.

AN ACT IN RELATION TO THE ELECTION OF SELECTMEN AND ASSESSORS IN TOWNS.

Amended. St. 1883, chap. 203, § 1. P. S., c. 27, § 69 et seq.

ST. 1881.

CHAPTER 44.

AN ACT TO REGULATE THE TAKING OF FISH, Etc.

Section 4, amended. St. 1883, c. 76, § 2. P. S., c. 91.

ST. 1882.

CHAPTER 28, SECTION 1.

AN ACT CONCERNING THE CORRECTION OF ERRORS IN COPIES OF RECORDS OF VOTES AND THE PUBLICITY OF ELECTION RETURNS.

Amended. St. 1885, c. 108. P. S., c. 7.

CHAPTER 65.

AN ACT FOR THE PROTECTION OF STRIPED BASS AND BLUEFISH IN THE WATERS OF EDGARTOWN.

Repealed. St. 1885, c. 247.

CHAPTER 74.

AN ACT RELATIVE TO THE PRESERVATION OF CHECK LISTS IN CITIES.

Repealed by St. 1884, c. 299, § 44. P. S., c. 7.

CHAPTER 102.

AN ACT CONCERNING FISHERIES, Etc.

Amended. St. 1884. c. 245. P. S., c. 91.

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### CHAPTER 106.

AN ACT IN RELATION TO THE TAXATION OF FOREIGN MINING,  
QUARRYING AND OIL COMPANIES.

Amended by St. 1883, c. 74. Affected by St. 1884, c. 330, § 3. P. S.,  
c. 18.

### CHAPTER 139.

AN ACT TO PERMIT WOMEN TO PRACTISE AS ATTORNEYS-AT-LAW.

Women so admitted to practise may be special commissioners. St. 1883,  
c. 252. P. S., c. 18.

### CHAPTER 179.

AN ACT RELATIVE TO PARADING WITH ARMS BY ASSOCIATIONS  
COMPOSED OF SOLDIERS.

Superseded. St. 1884, c. 230, § 15. P. S., c. 14, § 127.

### CHAPTER 212.

AN ACT TO ESTABLISH AN AGRICULTURAL EXPERIMENT STATION.

Reports provided for. St. 1883, c. 105. P. S., c. 20.

### CHAPTER 231.

AN ACT TO ALLOW SAVINGS BANKS AND INSTITUTIONS FOR  
SAVINGS TO MAKE ADDITIONAL INVESTMENTS.

Amended. St. 1885, c. 124. P. S., c. 116, § 20.

### CHAPTER 237.

AN ACT RELATING TO THE SETTLEMENT OF TITLES TO REAL  
ESTATE.

Extended. St. 1885, c. 283. P. S., c. 176.

### CHAPTER 247.

AN ACT RELATING TO THE CORRECTION OF NAMES UPON TAX  
BILLS, Etc.

Repealed. St. 1884, c. 298, § 53. P. S., c. 6.

### CHAPTER 250.

AN ACT RELATING TO THE INSPECTION AND SALE OF CERTAIN  
OILS.

Repealed. St. 1885, c. 122. P. S., c. 102.

## CHAPTER 251.

AN ACT RELATING TO CO-OPERATIVE SAVING FUND AND LOAN ASSOCIATIONS.

Amended. Stat. 1885, c. 121. P. S., c. 117.

## CHAPTER 263.

AN ACT RELATING TO THE ADULTERATION OF FOOD AND DRUGS.

Amended. St. 1883, c. 263, § 1. St. 1884, c. 289, § 6. Affected, St. 1885, c. 352, § 5. P. S., c. 208.

## CHAPTER 268.

AN ACT TO PROVIDE FOR THE CORRECTION OF OMISSIONS IN THE REGISTRATION OF VOTERS.

Repealed. St. 1884, c. 298, § 53. P. S., c. 6.

## CHAPTER 270, SECTION 4.

AN ACT FOR THE BETTER PROTECTION OF CHILDREN.

Amended. St. 1884, c. 210. St. 1885, c. 176. P. S., c. 48.

## CHAPTER 274.

AN ACT CONCERNING TRANSPORTATION OF LOGS AND TIMBER UPON THE CONNECTICUT RIVER.

Section 2, repealed. St. 1883, c. 183, § 3. P. S., c. 94.

## ST. 1883.

## CHAPTER 52.

AN ACT TO EXTEND THE TIME WITHIN WHICH SAVINGS BANKS, ETC., MAY SELL CERTAIN REAL ESTATE, ETC.

Amended. St. 1883, c. 248. P. S., c. 116.

## CHAPTER 157.

AN ACT RELATING TO THE EMPLOYMENT OF MINORS AND WOMEN.

Limited. St. 1884, c. 275, § 4. P. S., cc. 48, 74.

## CHAPTER 187.

AN ACT IN RELATION TO BOARDING HOUSES AND BOARDING-HOUSE KEEPERS.

Amended. St. 1884, c. 169. P. S., c. 102, § 13.

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### CHAPTER 218.

AN ACT TO REGULATE THE SALE OF COAL BY MEASURE.

Amended. St. 1884, c. 70. P. S., c. 60, § 82.

### CHAPTER 223, SECTION 5.

AN ACT GRANTING JURISDICTION IN EQUITY TO THE SUPERIOR COURT.

Amended. St. 1884, c. 316. P. S., c. 151.

### CHAPTER 229.

AN ACT AUTHORIZING MODERATORS AND TOWN CLERKS TO APPOINT TELLERS IN TOWN MEETINGS.

Amended. St. 1885, c. 261.

### CHAPTER 262.

AN ACT GIVING TO A WIFE THE RIGHT OF INTERMENT IN A BURIAL LOT OR TOMB OWNED BY HER HUSBAND.

Not affected by St. 1885, c. 302. P. S., c. 82, § 3.

### CHAPTER 263.

AN ACT TO AMEND AN ACT RELATING TO THE ADULTERATION OF FOOD AND DRUGS.

Repealed. St. 1884, c. 289, § 6. P. S., c. 208.

### ST. 1884.

### CHAPTER 56.

AN ACT TO LIMIT THE LIABILITY WHICH MAY BE INCURRED BY ANY ONE PERSON TO SAVINGS BANKS, Etc.

Repealed. St. 1884, c. 168. P. S., c. 116, § 20.

### CHAPTER 64.

AN ACT TO PREVENT THE SPREAD OF CONTAGIOUS DISEASES THROUGH THE PUBLIC SCHOOLS.

Amended. St. 1885, c. 198. P. S., c. 47.

### CHAPTER 166.

AN ACT RELATING TO THE PRINTING AND DISTRIBUTION OF THE LAWS AND PUBLIC DOCUMENTS.

Repealed. St. 1885, c. 369, § 4. P. S., c. 4.

CHAPTER 190.

AN ACT RELATING TO THE EXAMINATION OF CANDIDATES FOR DISTRICT POLICE.

Repealed. St. 1885, c. 186. P. S., c. 103.

CHAPTER 215.

AN ACT TO PROVIDE FOR COMPOSITION WITH CREDITORS IN INSOLVENCY.

Amended. St. 1885, c. 353. P. S., c. 157.

CHAPTER 247.

AN ACT EXTENDING THE AUTHORITY TO SUMMON WITNESSES.

Repealed. St. 1885, c. 141. P. S., cc. 155, 169.

CHAPTER 255

AN ACT TO ESTABLISH A REFORMATORY FOR MALE PRISONERS.

Added to. St. 1884, c. 331. St. 1885, c. 35. P. S., c. 221.

CHAPTER 298.

AN ACT TO ASCERTAIN BY PROPER PROOFS THE CITIZENS WHO ARE ENTITLED TO THE RIGHT OF SUFFRAGE.

Section 25, amended. St. 1885, c. 279, § 6. P. S., c. 6.

CHAPTER 299.

AN ACT CONCERNING ELECTIONS AND VOTING THEREIN.

Amended. St. 1885, cc. 5, 351. P. S., c. 7.

CHAPTER 307.

AN ACT TO PREVENT THE ADULTERATION OF VINEGAR.

Section 2, amended. St. 1885, c. 150. P. S., c. 60.

ST. 1885.

CHAPTER 5.

AN ACT CONCERNING ELECTIONS IN TOWNS.

Amended. St. 1885, c. 351. P. S., c. 7.

## PUBLIC STATUTES.

## CHAPTER 1.

OF THE JURISDICTION OF THE COMMONWEALTH AND PLACES  
CEDED TO THE UNITED STATES.

SECT. 1. Provision is made for defining the boundary line between Massachusetts and Rhode Island. St. 1883, cc. 113 ; 154.

SECT. 4. The United States are given concurrent jurisdiction with the Commonwealth over lands of the United States Fish and Fisheries Commission. St. 1882, c. 131.

## CHAPTER 1a.

## OF THE GREAT SEAL

The form of the Great Seal is established. St. 1885, c. 288.

## CHAPTER 2.

## OF THE GENERAL COURT.

The pay of members of the legislature is increased from \$500 to \$650. St. 1884, c. 319.

SECTS. 5-14. The law as to the notice to be given of petitions to the legislature is revised and amended. St. 1885, c. 24.

SECTS. 17, 18. The compensation of the messengers is fixed at five dollars per day ; of the doorkeepers, assistant doorkeepers and postmaster at five dollars per day and one hundred dollars in addition ; and of the pages at three dollars per day. St. 1882, c. 257, § § 2, 3.

SECT. 21. The salaries of the clerks of the senate and of the house of representatives are increased from \$2,500 to \$3,000. St. 1884, c. 329.

SECT. 22. The salaries of the assistant clerks of the senate and of the house of representatives are increased from \$900 to \$1,500. St. 1882, c. 257, § 1 ; 1884, c. 334.

SECTS. 24, 35. The provisions relating to the annual election sermon are repealed. St. 1884, c. 60.

SECT. 27. The limit of the number of doorkeepers, assistant doorkeepers, messengers and pages is increased from twenty-five to thirty-two. St. 1882, c. 257, § 4.

SECT. 34. No session of the legislature is to be held and public offices are to be closed on Monday when Christmas falls on the Sunday preceding. St. 1882, c. 49.

## CHAPTER 3.

## OF THE STATUTES.

SECT. 1. When an act is required to be accepted by a municipal or other corporation, a return must be made by them of their action to the secretary of the Commonwealth. St. 1883, c. 100.

SECT. 3. "Mayor and aldermen," unless it is otherwise provided, shall be construed to mean "board of aldermen," except in case of appointments. St. 1882, c. 164.

"Net indebtedness" of towns, cities and districts in the laws regulating the investments of banks, etc., shall be computed omitting water debts and deducting sinking funds. St. 1883, c. 127.

Any daily or weekly periodical devoted exclusively to legal news shall be deemed to be a newspaper for the insertion of legal notices. St. 1885, c. 235.

## CHAPTER 4.

## OF THE PRINTING AND DISTRIBUTION OF THE LAWS AND PUBLIC DOCUMENTS.

Tables of changes in the Public Statutes by subsequent legislation, and indexes, are to be prepared and published with such editions of the laws as the governor directs. St. 1882, c. 238.

SECT. 1. Six thousand copies of the blue book are to be printed, instead of four thousand five hundred, and the members of the general court and clerk of the two branches are to receive ten copies instead of eight copies each. St. 1884, c. 166, § 1; 1885, c. 369, § 2.

SECT. 7. "Of labor" is added after "bureau of statistics." St. 1882, c. 6, § 1.

The number of copies of reports to be printed is changed and in some cases their distribution. St. 1884, c. 166; 1885, c. 369.

SECT. 10. The assistant clerks are given the same documents as the clerks. St. 1882, c. 158.

By Res. 1882, c. 57, a contract for the state printing for five years is to be made in the mode there provided.

SECTS. 9-10. The number of legislative manuals is increased and one copy is given to each town and city clerk. St. 1883, c. 55.

## CHAPTER 5.

## OF THE STATE HOUSE, THE SERGEANT-AT-ARMS, AND STATE LIBRARY.

The Commonwealth Building is put in charge of the same officers and committee as the state house, and the janitor and fireman at Pemberton Square are transferred to it. St. 1884, c. 14.

SECT. 10. The salary of the Sergeant-at-arms is increased from \$2,500 to \$3,000. St. 1884, c. 333.

SECT. 18. Two thousand dollars, instead of eighteen hundred, is allowed for assistance in the State library. St. 1882, c. 29.

SECT. 20. The amount annually appropriated for books, furniture, etc., is increased from \$2,300 to \$3,300. St. 1882, c. 196.

## CHAPTER 6.

### OF THE QUALIFICATION AND REGISTRATION OF VOTERS.

This chapter is repealed and a new chapter is substituted. St. 1884, c. 298.

Temporary registrars of voters may be appointed when a member of the board is absent or unable to act. St. 1885, c. 246.

Farther provision is made for the assessment and registration of voters and for hearings on the question of residence. At such hearings false swearing is perjury. St. 1885, c. 271.

## CHAPTER 7.

### OF THE MANNER OF CONDUCTING ELECTIONS AND RETURNING VOTES.

This chapter, with the acts amending it, is revised. St. 1884, c. 299.

The provisions of this act shall not apply to town meetings held for the election of town officers, and all acts repealed are revived. St. 1885, c. 5, 351.

SECT. 5. The time for designating the polling places in cases of special elections is reduced from thirty to ten days. If no convenient place can be had within the precinct a place in an adjoining precinct may be designated. St. 1885, c. 142.

The supervisors may be sworn before the town clerk or any officer qualified to administer oaths. St. 1885, c. 268.

Selectmen presiding at town meetings may appoint tellers to aid them in checking names of voters or in assorting and counting votes. They shall be chosen equally from the two chief political parties. Such teller is subject to the same penalties as the officer who appoints him. St. 1883, c. 229; 1885, c. 261.

SECT. 14. Ballots with a certificate of their genuineness may be filed with the city clerk seven days before election, and any attempt to counterfeit or imitate such certificate is punished. St. 1885, c. 248.

SECTS. 26, 27. Detached stickers or separate pieces of paper of a surface of less than six square inches, are not to be counted but are to be preserved. St. 1882, c. 260.

SECTS. 36, 52. Where the ballots are recounted, the candidates must be notified and may be present personally or by an agent appointed in writing. St. 1883, c. 42.

SECT. 45. If the copies of the records of votes are incomplete or erroneous, new copies may be required. Wilful neglect to furnish them is punished. St. 1882, c. 28, § 1, 2.

An abstract of the returns, and a statement of all cases where corrected returns have been received, are furnished to newspapers applying, and the copies are open to inspection by persons interested. St. 1882, c. 23, § 3.

St. 1882, c. 28, which provides for the correction of errors in the returns of votes under this section, is extended to all returns of votes required by law. St. 1885, c. 108.

SECTS. 48-50. If the copies of votes for county commissioners, county treasurer or register of deeds appear to be incomplete or erroneous, new copies may be required. A penalty is imposed on any delay in forwarding or filing the new copies. St. 1885, c. 229.

SECT. 55. Whoever, knowing that he is not a qualified voter, votes for any officer, is punished. St. 1885, c. 351.

§§ 1, 2, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 34, 36, 38, 39, 51, 52, 55, 62, are repealed. St. 1884, c. 299, § 44.

## CHAPTER 8.

### OF THE ELECTION OF GOVERNOR AND OTHER STATE OFFICERS.

SECT. 13. Both certificates of election are to be transmitted within fifteen days instead of one in ten days, and the other before the first Wednesday of January. St. 1885, c. 107, § 1.

SECT. 14. So under this section the certificates are to be transmitted within fifteen days instead of one within ten days and the other before the first day of January. St. 1885, c. 107, § 2.

## CHAPTER 9.

### OF THE ELECTION OF REPRESENTATIVES IN CONGRESS AND ELECTORS OF PRESIDENT AND VICE-PRESIDENT.

SECTS. 1, 2. A new division of the state into congressional districts is made. St. 1882, c. 253.

## CHAPTER 11.

### OF THE ASSESSMENT OF TAXES.

SECT. 4, which defines taxable personal estate, is amended in the line reading "but not including in such debts due any loan on mortgage of real estate," by striking out "due" and inserting in its place "or indebtedness." St. 1882, c. 76.

SECT. 5, cl. 3. The exemption given to literary, scientific and charitable institutions, is lost by wilfully omitting to bring in the list required, but this act does not apply to corporations making returns to the insurance commissioner. St. 1882, c. 217, §§ 2, 4.

SECT. 5, cl. 10. That the property is owned in common with others does not affect the exemption. St. 1885, c. 169.

The property of the Lynn Workingmen's Aid Association is exempt. St. 1884, c. 184.

SECT. 5, cl. 9. The real estate and buildings of unincorporated horticultural societies, so far as used for offices, libraries and exhibitions, is exempt. St. 1884, c. 176.

SECT. 14, which provides for the taxation of mortgaged real estate, and prevents double taxation, is amended by changing "taxable real estate" in the first line, to "real estate not exempt from taxation under section five of this chapter." St. 1882, c. 175.

SECT. 20. Two classes are added: 8th, personal property held by an assignee in insolvency, or by an assignee for creditors, is assessed to him at the insolvent's place of business, or if he had none, at his residence; 9th, personal property held by joint owners or tenants in common, not partners, to them according to their respective interests at the place where they respectively reside. St. 1882, c. 165.

SECTS. 31, 35. The taxes assessed, exclusive of state tax, county tax and sums required to be raised for the city debt, shall not exceed twelve dollars on every thousand of the average valuation of the preceding years, and any order or appropriation requiring a larger assessment is void. St. 1885, c. 312, § 1.

SECT. 38. A sworn statement of mortgaged real estate, giving the amount of the mortgage, must be filed or the interest of the mortgagee need not be assessed to him. St. 1882, c. 175, § 1.

A list of property held for literary, benevolent, charitable, or scientific purposes, and of all receipts and expenditures for said purposes, is required of persons and corporations except such as make returns to the insurance commissioner under Pub. St. c. 11, § 115. St. 1882, c. 217, § 1.

SECT. 52. The title of the first column of the valuation book is changed from "Names of Persons Assessed" to "Names and Residences of Persons Assessed." St. 1883, c. 41, § 1.

SECT. 53. In the first column, the street and number of the person's residence are to be added to the name. St. 1883, c. 41, § 2.

SECT. 54. Two new clauses are inserted requiring the assessors to enumerate and return the number of neat cattle other than cows assessed, and the number of swine assessed. St. 1885, c. 106.

SECTS. 54, 55. Copies of the assessors' books, instead of being deposited with the secretary of the Commonwealth on the fifth and tenth years, are to be deposited every third year, beginning with 1883. The copy of the table of aggregates is to be deposited each year, instead of eight years out of ten. St. 1883, c. 91.

SECT. 71. On petitions for the abatement of taxes, the county commissioners on appeal may make such order as to costs as justice requires, but taxable costs shall not be given to a party who has failed to file a list of his property. St. 1882, c. 218.

SECT. 77. Dues or taxes for school books may be abated under this section. St. 1885, c. 67.

SECT. 90. The assessors, with the statement of exempt property, must send to the tax commissioner all lists and statements filed by persons or corporations holding property for literary, benevolent, charitable or scientific purposes. St. 1882, c. 217, § 3.

SECT. 91. In addition to the debts and assets, the amount of the sinking funds or annual proportionate payments of debts must be given. St. 1882, c. 133, § 2.

SECT. 92. The return as to steam boilers in Boston shall be made by the inspector of buildings. St. 1882, c. 252, § 5.

## CHAPTER 12.

### OF THE COLLECTION OF TAXES.

SECT. 35. The surplus from tax sales must be deposited in the city or town treasury, and paid over to the owner on demand. St. 1884, c. 162.

SECT. 39. The objections to the title must be stated, if an offer to surrender a tax deed must be made, and the time for the surrender of existing deeds is limited. St. 1882, c. 243, § 3.

SECT. 50. Every person acquiring a tax-title must file his address with the treasurer, and, if a non-resident, must appoint an agent authorized to execute a release and to receive service, and to whom a tender may be made. St. 1882, c. 243, § § 1, 2.

SECT. 58. Towns are required to sell lands taken or purchased for taxes within two years, instead of forthwith. St. 1883, c. 101.

The sale is made by the collector for the time being. If no person appears to bid an amount equal to the sum due at the original sale or taking with all intervening charges, the collector may purchase for the city or town, under section 40. St. 1884, c. 242.

## CHAPTER 13.

### OF THE TAXATION OF CORPORATIONS.

SECT. 6. The tax commissioner must furnish blanks for the returns of property held for literary, benevolent, charitable or scientific purposes. St. 1882, c. 217, § 3.

It would appear that he should send the blanks for steam boiler returns in Boston to the inspector of buildings and not to the assessors. St. 1882, c. 252, § 5.

SECTS. 17, 40. Title insurance companies are taxed under these sections. St. 1884, c. 180.

SECT. 20. The time during which real estate held by savings banks, by foreclosure or purchase at mortgage sales, is exempt, is extended. (See c. 116, § 20, cl. 8 ) St. 1883, c. 248.

SECT. 24. In this section the name "co-operative savings fund and loan association" is changed to "co-operative bank." St. 1885, c. 121, § 3.

SECTS. 38-40. Telephone companies are hereafter to be taxed under these sections. St. 1885, c. 238.

SECT. 42. Every corporation or association for mining, quarrying, or getting earth oils, or holding lands, organized out of the Commonwealth, which opens an office in the Commonwealth, must pay a tax; and the officers and agents here are liable for such taxes. St. 1882, c. 106; St. 1883, c. 74.

## CHAPTER 14.

## OF THE MILITIA

The amount now in the treasury on account of bounties and allotments to soldiers is transferred to the bounty loan sinking fund. Claims against it are to be filed with the auditor and allowed by him. St. 1882, c. 112.

An ambulance corps is added to the militia. St. 1885, c. 236.

SECT. 23. One or more of the infantry regiments may be trained as heavy artillery. St. 1882, c. 97.

SECTS. 22, 25. The signal corps is attached to the brigade staff. St. 1884, c. 230, § 1, 3.

SECT. 23. The direction as to the companies and battalions is repealed. St. 1884, c. 230, § 2.

SECT. 30. The regimental bands are increased from eighteen to twenty-four pieces. St. 1884, c. 230, § 4.

SECT. 31. Officers of the signal corps are allowed horses. St. 1884, c. 230, § 5.

SECTS. 35, 54. Medical officers are hereafter to be examined by three medical officers. St. 1884, c. 230, § 6, 8.

SECT. 54. If an officer when ordered fails to appear before or to pass the board of examiners, he shall be discharged. St. 1884, c. 230, § 9.

SECT. 59. In case of a vacancy in the office of captain, the commanding officer of the regiment or battalion appoints a recruiting officer. St. 1884, c. 230, § 7.

SECT. 69. An enlisted man may also be discharged on the application of his company commander approved by superior commanders. St. 1884, c. 230, § 10.

SECT. 78. Military property is to be returned immediately. St. 1884, c. 230, § 11.

SECT. 80. Commanders of companies shall receive fifty dollars per annum for care of the property. St. 1884, c. 45.

SECT. 91. The Grand Army may be allowed to use the State camp ground. Res. 1882, c. 15.

SECT. 98. The certificate as to the rent of armories and headquarters is modified so that it shall state the amount paid or charged for such rent instead of the amount paid. St. 1885, c. 147.

SECT. 108. Parade for drill may be in September or October, as well as in May or June. St. 1884, c. 230, § 12.

SECT. 109. The encampment may be in June. St. 1884, c. 230, § 13.

SECT. 111. The report is to be made by the inspector-general to the commander-in-chief. St. 1884, c. 230, § 14.

SECT. 127. To the associations which may parade with arms are added associations of honorably discharged soldiers, at the decoration of soldiers' graves. St. 1882, c. 179.

Applications for leave to parade with arms must be approved by the town or city authorities. St. 1884, c. 230, § 15.

SECT. 130. The compensation of the militia and the allowance for forage and horses is revised and changed. St. 1882, c. 178.

SECT. 150. Fines under by-laws may be collected by suit. St. 1884, c. 230, § 16.

## CHAPTER 15.

## OF THE EXECUTIVE DEPARTMENT AND THE SECRETARY OF THE COMMONWEALTH.

SECT. 1. The salary of the governor after 1884 is \$5,000 instead of \$4,000. St. 1884, c. 328.

SECT. 5. The salary of the private secretary of the governor is raised from \$1,500 to \$2,000. St. 1885, c. 77.

SECT. 6. The salary of the executive clerk is raised from \$1,200 to \$1,500. St. 1884, c. 8.

The salary of the executive messenger is raised from \$800 to \$900. St. 1884, c. 38.

SECT. 9. The salary of the secretary of the Commonwealth is raised from \$2,500 to \$3,000. St. 1884, c. 79.

SECT. 10. The salary of the first clerk of the secretary is raised from \$1,800 to \$2,000. St. 1885, c. 87.

And of the third clerk from \$1,200 to \$1,300. St. 1883, c. 48.

The allowance of the secretary of the Commonwealth for clerk hire is increased from \$10,000 to \$11,000. St. 1884, c. 15.

SECT. 15. The duty of furnishing blank forms for returns of criminal cases pending, is transferred from the secretary to the commissioner of prisons. St. 1882, c. 226.

## CHAPTER 16.

## OF THE AUDITOR, TREASURER, AND MATTERS OF FINANCE.

The par of exchange established by U. S. Rev. St., § 3565, is adopted. St. 1882, c. 110.

SECT. 2. The salary of the auditor is raised from \$2,500 to \$3,000 and that of his first clerk from \$1,800 to \$2,000. St. 1885, c. 195.

SECT. 7. The auditor is required to submit an abstract of his report by January 30, and the full report as soon as may be. St. 1884, c. 207.

SECT. 17. The salary of the treasurer is raised from \$4,000 to \$5,000. St. 1885, c. 263.

He is allowed one more clerk. St. 1882, c. 111. He is also allowed a fund clerk. St. 1883, c. 164. And he may temporarily employ additional clerical assistance at an expense not exceeding one thousand dollars in any one year. St. 1885, c. 15.

SECT. 26. The annual financial estimates are hereafter to be made to the auditor instead of to the secretary. St. 1885, c. 41.

SECT. 28. Money for small expenses may be advanced to officers authorized to expend money. St. 1884, c. 179.

SECT. 42 is repealed, and the power of committees to cause hearings to be advertised is limited. St. 1885, c. 371.

SECT. 52. Money from sales of public property must be accompanied by a sworn itemized account, approved by the proper officers. St. 1884, c. 326.

SECT. 60. The authorized investments of the state funds are enlarged. St. 1882, c. 130.

## CHAPTER 17.

## OF THE ATTORNEY-GENERAL AND THE DISTRICT ATTORNEYS.

The salary of the district attorney for the eastern district is raised from \$1,800 to \$2,400, and he is given an assistant at \$1,000 per annum. St. 1882, cc. 156-157.

The salaries of the first and second assistant district attorneys for the Suffolk district are raised from \$2,400 and \$2,000 respectively to \$2,500. St. 1882, c. 245, § 2.

SECT. 15. The salary of the district attorney for the middle district is raised from \$1,800 to \$2,100. St. 1885, c. 168.

## CHAPTER 18.

## OF NOTARIES PUBLIC AND COMMISSIONERS TO ADMINISTER OATHS OF OFFICE AND TO TAKE ACKNOWLEDGMENTS OF DEEDS, ETC.

Women who are attorneys may be appointed special commissioners to administer oaths and take acknowledgments and depositions. St. 1883, c. 252.

SECT. 14. The commissioner may take his official oath before a minister or consul of the United States. St. 1885, c. 31.

## CHAPTER 19.

## OF THE BOARD OF HARBOR AND LAND COMMISSIONERS.

The commissioners are given the care and custody of the Connecticut river, and are to cause it to be surveyed. St. 1885, c. 344.

SECT. 7. Regulations are established for Gloucester harbor. St. 1885, c. 315.

The harbor lines at East Boston are established. St. 1882, c. 48.

So at Gloucester. St. 1882, c. 103 ; St. 1883, c. 109.

So at Haverhill. St. 1883, c. 104.

SECTS. 10, 11, 12. Shall apply to the Connecticut river. St. 1885, c. 344, § § 2, 3.

## CHAPTER 20.

## OF THE STATE BOARD OF AGRICULTURE.

An agricultural experiment station at the Agricultural College in Amherst is established. St. 1882, c. 212.

The board of control of the station must report annually. St. 1883, c. 105.

An additional sum of \$5,000 annually is allowed for the maintenance of the experiment station. St. 1885, c. 327.

SECT. 4. The salary of the secretary is raised from \$2,000 to \$2,500. St. 1883, c. 184.

The sum allowed to the secretary for clerical services, besides his regular clerk, and for lectures, is increased from \$400 to \$800. St. 1884, c. 66.

CHAPTER 21.

GENERAL PROVISIONS RELATING TO STATE OFFICERS.

All official bonds which are in the custody of the treasurer or are by law approved by the governor and council, must be examined once a year or oftener. St. 1885, c. 32.

CHAPTER 22.

OF COUNTIES AND COUNTY COMMISSIONERS.

SECT. 14. The sum allowed for the pay of the county commissioners is raised in Essex from \$3,200 to \$3,900; for the county of Middlesex from \$3,000 to \$4,500; for Norfolk from \$1,900 to \$2,700. St. 1885, c. 277.

SECT. 15. The sessions of the county commissioners in Berkshire are changed from the first Tuesday of April, July and September, and the last Tuesday of December, to the first Tuesday of January, April, July and October. St. 1883, c. 63.

SECT. 26. This section, giving the right to act on certain matters at other times than regular meetings, is limited to the regular commissioners, and is made expressly applicable to the issuing of orders of notice. St. 1885, c. 91.

CHAPTER 23.

OF COUNTY TREASURERS AND COUNTY FINANCES.

SECT. 2. The salary of the treasurer of Hampden county is raised from \$1,200 to \$1,500. St. 1884, c. 112.

CHAPTER 24.

OF REGISTERS OF DEEDS.

SECT. 5. Worcester county is divided for registry purposes, and Fitchburg, Lunenburg, Leominster, Westminster and Ashburnham are made the northern district, and provision is made for the appointment of a register and the transfer of papers. St. 1884, c. 40.

SECT. 9. Women may be appointed to the office of assistant register of deeds. St. 1885, c. 7.

SECT. 22. After January 1, 1886, the indexes in registries of deeds, except Suffolk, shall have a new head under which shall be entered the towns in which the lands lie. St. 1885, c. 29.

CHAPTER 25.

OF SHERIFFS.

SECT. 20. Writs or processes in favor of as well as against a sheriff are to be so served. St. 1885, c. 75.

SECT. 22. The sheriff of Dukes county is given the fees in addition to his salary. St. 1884, c. 209.

## CHAPTER 26.

## OF MEDICAL EXAMINERS.

SECT. 2. A new district is made in Franklin county, for which a new examiner is to be appointed. St. 1884, c. 321.

SECT. 9. The fees of medical examiners are changed; for a view without an autopsy being raised from four to five dollars, and the fee for travel from five to ten cents per mile. St. 1885, c. 379, § 1.

SECT. 11. A report of each autopsy is to be filed with the district attorney, with a certificate that it was necessary. Except in Suffolk, the district attorney must certify that it was, in his opinion, necessary, before the fee can be paid. St. 1885, c. 379, § 7.

SECT. 25. Special justices of police, district or municipal courts who receive compensation only under P. S., c. 154, § 26, are given the same fees at inquests as trial justices. St. 1885, c. 40.

The same fees are allowed to witnesses and officers at inquests as in criminal prosecutions before trial justices. St. 1883, c. 61.

The fees of the witnesses are fixed. St. 1885, c. 379, § 2.

SECT. 26. A yearly report to the secretary of the Commonwealth is required, for which the examiner is given a fee. The secretary reports the tabular results of the returns to the legislature with the return of births, deaths and marriages. St. 1885, c. 379, § § 3, 4, 5, 6.

## CHAPTER 27.

## OF TOWNS AND TOWN OFFICERS.

Towns and cities may devote a part of their territory to the preservation and culture of forest trees for the wood and timber or the preservation of their water supply. They may take or purchase land. The state board of agriculture is given charge of such lands. The town or city may erect buildings for instruction or recreation thereon and borrow money. St. 1882, c. 255.

Towns and cities may lay out public parks and take lands therefor, assess betterments and borrow money. St. 1882, c. 154.

SECT. 9. Any town or city may lease public buildings, except school-houses, to the Grand Army for a period not exceeding five years. St. 1885, c. 60.

SECT. 10. Towns may vote money for erecting headstones or other monuments for soldiers or sailors in the national wars, and keeping the same in repair. St. 1884, c. 42.

SECT. 12. A city or town may raise fifty cents instead of twenty-five cents for each poll, to be expended in planting or encouraging the planting of shade trees. St. 1885, c. 123, § 1.

SECTS. 44, 45, 46, 47, 48, 49, with reference to telegraph wires, shall also apply to wires for electric light. St. 1883, c. 221.

SECT. 60. Moderators and town clerks may appoint tellers to assist in counting votes or checking names. St. 1883, c. 229.

SECT. 65. A town on accepting certain statutes may elect three, five, seven or nine assessors, the term of office being three years, and part going out each year; or four assessors, the term being two years, and half going out each year. St. 1883, c. 203, § 1.

SECT. 69. It may in the same way choose three, five, seven or nine overseers of the poor. St. 1883, c. 203, § 2.

SECT. 102. The oath is modified in form and must be taken by assessors, assistant assessors and other persons chosen to aid in assessing. St. 1885, c. 355.

SECT. 104. The penalty is extended to all the persons required to take the oath. St. 1885, c. 355, § 21.

Any knowing over or under valuation of property is punished. St. 1885, c. 355, § 3.

## CHAPTER 28.

### OF CITIES.

“Mayor and aldermen” unless provision is otherwise made, shall mean board of aldermen, except in case of appointments. St. 1882, c. 164.

In case of death, resignation, absence or inability of the mayor, the office devolves on the chairman of the board of aldermen, if any, then on the president of the common council. Such officer is styled acting mayor. He can make no permanent appointments. St. 1882, c. 182.

Any person elected mayor, alderman, common councilman or member of the school committee shall be notified of his election by the board of aldermen within seven days after the result is declared; and, if elected at a special election, he shall not act until such notice has been issued. St. 1885, c. 159.

SECT. 6. One of several items involving the appropriation of money or the raising of a tax may be separately vetoed. St. 1885, c. 312, § 3.

SECT. 7. Where the mayor presides in the board of aldermen he has no vote there or in joint convention. St. 1882, c. 180.

SECT. 14. The mayor and aldermen may require a separate return of the inhabitants and legal voters residing in each street for use in the new division of wards. St. 1884, c. 181, § 9.

The enumeration may be by sub-divisions instead of by streets. St. 1885, c. 156.

The time when the new division of wards goes into effect is changed from November 10th to December 15th. St. 1884, c. 125.

SECT. 25. The selectmen of towns may make rules for the regulation of carriages and other vehicles as mayors and aldermen of cities may now do. St. 1885, c. 197.

## CHAPTER 29.

### OF MUNICIPAL INDEBTEDNESS.

SECT. 4. The limit of city debts is reduced from three per cent. to two and one half per cent., but this does not apply to Worcester, Lynn, Gloucester and Brockton until 1889. St. 1885, c. 312.

SECT. 6. Temporary loans can hereafter be made only in anticipation of the taxes of the current year. St. 1885, c. 312, § 4.

SECTS. 7, 8. Towns and cities which have incurred or shall incur a debt may issue bonds, notes or scrip therefor, with interest at a rate not exceeding six per cent. per annum, and sell the same. St. 1884, c. 129.

SECT. 9. A fixed annual appropriation may be provided for as a substitute for a sinking fund. St. 1882, c. 133.

## CHAPTER 30.

### OF AID TO SOLDIERS AND SAILORS AND TO THEIR FAMILIES.

SECT. 1. The limit of salary of the third commissioner of state aid is raised from \$1,500 to \$1,800. St. 1885, c. 214.

SECTS. 2, 9. State aid is extended from 1885 to January 1st, 1890. St. 1884, c. 34.

SECT. 2. The three months' troops of 1861 are included among those entitled to state aid. St. 1885, c. 173.

SECT. 2, 3. State aid may be granted to widows of soldiers, sailors or marines who were married before April 9, 1870. St. 1885, c. 204.

Aid for soldiers may be entrusted to Grand Army Posts for distribution. St. 1885, c. 189.

## CHAPTER 31.

### OF THE CENSUS, THE BUREAU OF STATISTICS OF LABOR AND THE BOARD OF SUPERVISORS OF STATISTICS.

SECTS. 1-12. The provisions for the state census are revised. St. 1884, c. 181.

SECTS. 13, 15. The chief of the bureau of statistics of labor is given a second clerk at \$1,300 per year. St. 1884, c. 4.

## CHAPTER 32.

### OF THE REGISTRY AND RETURN OF BIRTHS, MARRIAGES AND DEATHS.

SECT. 5. A certificate approved by the board of health, where there is one, is required before the removal of bodies as well as before burial. St. 1883, c. 124, § 1.

No body of a person dying from certain diseases can be transported unless securely encased; and no permit to remove can be given until the board of health or selectmen have given a certificate stating the cause of death and that the body has been so encased. The certificate goes with the body. St. 1883, c. 124, § 2.

SECT. 7. Physicians and midwives are required to report additional facts and are given a fee of twenty-five cents. St. 1883, c. 158.

CHAPTER -.

OF THE CIVIL SERVICE.

The appointment of officers in the government of the Commonwealth and of the cities is regulated. St. 1884, c. 320.

CHAPTER 37.

OF THE PUBLIC RECORDS.

Clerks of towns and cities shall keep indexes of instruments recorded in the form here provided. St. 1885, c. 190.

CHAPTER 39.

OF DONATIONS AND CONVEYANCES FOR PIOUS AND CHARITABLE USES.

SECTS. 1, 2. Churches or religious societies may appoint trustees who, with their successors, shall be a body corporate for the purposes of this section. St. 1884, c. 78.

CHAPTER 40.

OF LIBRARY ASSOCIATIONS.

SECT. 6. The amount which may be paid to the county law libraries is increased from \$1,500 to \$2,000. St. 1882, c. 248.

CHAPTER 41.

OF THE BOARD OF EDUCATION.

SECT. 8. The salary of the secretary of the board of education is raised from \$2,500 to \$3,000. St. 1885, c. 227.

SECTS. 16, 17. The board also supervise the pupils in the Perkins Institution and Massachusetts School for the Blind. St. 1885, c. 118.

CHAPTER 43.

OF THE SCHOOL FUNDS.

SECT. 3. The distribution of the half of the school fund not specifically appropriated is changed, increasing the amount for the smaller towns. St. 1884, c. 22.

CHAPTER 44.

OF THE PUBLIC SCHOOLS.

SECT. 1. The use of hand tools may be taught, if deemed expedient. The tools are to be furnished by the town and loaned to the scholars. St. 1884, c. 69.

SECT. 2. Towns and cities of over ten thousand inhabitants must maintain evening schools, with certain studies. The terms, hours and regulations are fixed by the school committee. St. 1883, c. 174.

Physiology and hygiene, including special instruction as to the effects of alcoholic drinks, stimulants and narcotics on the human system shall be taught in the public schools. St. 1885, c. 332.

SECT. 36. Text-books and school supplies are hereafter to be purchased and loaned to the pupils. St. 1884, c. 103.

SECTS. 37-38. The sum due to the town for school books may be abated as in the case of taxes. St. 1885, c. 67.

SECTS. 35-40 are repealed and school committees may procure, at the expense of the city or town, an appropriation having been previously made therefor, such apparatus, books of reference and other means of illustration as they deem necessary. St. 1885, c. 161.

#### CHAPTER 45.

##### OF SCHOOL DISTRICTS.

The school district system is abolished January 1, 1883, and the affairs of the districts are to be closed. St. 1882, c. 219.

SECT. 8. Towns are given the right to sue or defend for abolished school districts. St. 1884, c. 122.

#### CHAPTER 47.

##### OF THE ATTENDANCE OF CHILDREN IN THE SCHOOLS.

SECT. 9. No child can attend school while any member of its family is sick with small-pox, diphtheria or scarlet fever, or until two weeks after their recovery. St. 1884, c. 64.

Pupils from families where persons are sick of small-pox, diphtheria or scarlet fever may not attend school, nor after recovery without a certificate from the attending physician or board of health. St. 1885, c. 198.

#### CHAPTER 48.

##### OF THE EMPLOYMENT OF CHILDREN AND REGULATIONS RESPECTING THEM.

SECT. 1. No minor can be employed to sell papers devoted to criminal news. St. 1885, c. 305.

No child under twelve years of age shall be employed at any time during the days in which the public schools are in session in the city or town in which he resides. St. 1885, c. 222.

SECT. 12. Whoever, after notice, hires, entices or induces any child unlawfully to absent himself from school, or hires, employs or harbors such absentee or truant, is punished. St. 1885, c. 71.

SECT. 14 is changed, so that three or more cities or towns in each of two, three or four contiguous counties may require the establishment of a union truant school, and the clause with reference to Norfolk, Bristol, Barnstable and Plymouth counties is repealed. St. 1884, c. 155.

SECT. 18. Poor children in need of immediate relief are to be provided for by the board of health, lunacy and charity, and courts may commit children who are growing up without education or salutary control, or who are dependent on public charity, to such board, if they have no settlement, or to the overseers of the poor if they have a settlement. St. 1882, c. 181.

If any parent abandons a child under two years old, or neglects to support it, or having contracted for its maintenance fails to perform such contract, he is punished. Any person knowingly and with wrongful intent aiding such abandonment, is also punished. Every person receiving a child under one year old, knowing or having cause to believe it to be illegitimate, must at once notify the overseers of the poor. The parents must answer all questions as to its residence, parentage and place of settlement, and must, when called upon, give security for its maintenance. St. 1882, c. 270.

Unreasonable neglect to provide for the support of a wife or minor child, is punished, and the fine may be paid to the corporation or person actually then supporting them. St. 1882, c. 270, § 4; St. 1884, c. 210; St. 1885, c. 176.

SECTS. 18, 19 provides that only persons appointed by the towns and the officers and agents of the society for the prevention of cruelty to children shall make complaints under these sections. It is now added that they they alone shall carry into effect the judgments thereon. St. 1883, c. 245.

#### CHAPTER 49.

#### OF THE LAYING OUT AND DISCONTINUANCE OF WAYS, AND OF DAMAGES OCCASIONED BY THE TAKING OF LAND FOR PUBLIC USE.

Land may be taken for parks. St. 1882, c. 154.

For the cultivation of trees. St. 1882, c. 255.

The improvement of public grounds or open spaces in streets designated as not needed for public travel, may be given to corporations organized for the purpose who will then have charge thereof, subject to the direction of the selectmen or road commissioners. Any wilful injury is punished by a fine which goes to the corporation. St. 1885, c. 157.

Public landing places already existing may be laid out and defined. St. 1882, c. 109.

SECT. 18. A provision is inserted providing for the payment by the trustee of any rent or charge to the reversioner or remainderman and the language is changed in other respects. St. 1883, c. 253.

SECT. 47. The pay of the officer who attends the sheriff's jury is raised from one dollar and one half to four dollars per day. St. 1882, c. 96.

#### CHAPTER 50.

#### OF SEWERS, DRAINS AND SIDEWALKS.

SECT. 5. Land sold for sewer assessments may be redeemed as if sold for taxes. St. 1883, c. 145.

## CHAPTER 51.

OF BETTERMENTS AND OTHER ASSESSMENTS ON ACCOUNT OF  
THE COST OF PUBLIC IMPROVEMENTS.

The betterment act is extended to alterations of ways at railroad crossings. St. 1884, c. 280.

The authorities may agree to assume betterments for streets or parks, if the land-owner will release damages. St. 1884, c. 226.

Betterments bear interest after thirty days, and the lien continues for one year after the determination of suit to test their validity. St. 1884, c. 237.

Notice of any assessment of betterments shall be given to persons affected within three months. St. 1885, c. 299.

## CHAPTER 52.

## OF THE REPAIR OF WAYS AND BRIDGES.

SECT. 10. The mode of ordering the trimming and removal of trees in ways is modified. St. 1885, c. 123, § 2.

SECT. 19. The notice of injury shall not be invalid for any unintentional inaccuracy, if the party entitled to notice was not misled. St. 1882, c. 36.

## CHAPTER 53.

OF THE REGULATIONS AND BY-LAWS RESPECTING WAYS AND  
BRIDGES.

SECT. 18 is so modified that the county commissioners can regulate travel over bridges to whose construction or maintenance the county contributes. St. 1882, c. 108.

## CHAPTER. 54.

OF THE BOUNDARIES OF HIGHWAYS AND OTHER PUBLIC PLACES,  
AND ENCROACHMENTS THEREON.

No barbed wire fence can built against a sidewalk. St. 1884, c. 272.

SECTS. 6, 9. The town or city may itself plant such trees. St. 1885, c. 123, § 1.

SECTS. 6, 9, 12. The requirement of acceptance is repealed. St. 1885, c. 123, § 3.

## CHAPTER 56.

OF THE INSPECTION AND SALE OF BUTTER, CHEESE, LARD, FISH,  
HOPS, LEATHER AND POT AND PEARL ASHES.

SECT. 17. In the mark or label, "imitation butter" is substituted for "adulterated butter." St. 1884, c. 310, § 1.

SECTS. 17, 18, 19. The type of the brand required is changed from Roman to Gothic, and other names are allowed. St. 1885, c. 352, §§ 1, 2.

SECT. 19. False labels, stamps or marks are punished. St. 1885, c. 352, § 3.

SECT. 20. Inspectors may enter places where butter or cheese is stored or kept for sale, and interference with their duties is punished. St. 1884, c. 310, § 2.

Inspectors appointed under St. 1882, c. 263, are given authority under this section. St. 1885, c. 352, § 5.

## CHAPTER 57.

### OF THE INSPECTION AND SALE OF MILK.

Municipal, district and police courts are given concurrent jurisdiction with the superior court of offences under this chapter. St. 1885, c. 149.

The milk act is not repealed or amended by subsequent legislation as to adulterations. St. 1884, c. 289, § 4.

SECT. 2 is revised. Milk for analysis is to be delivered to the inspector on his written request instead of his taking it. The clause making the certificate of analysis evidence is omitted. A part of the sample analyzed is to be kept for the defendant. St. 1884, c. 310, §§ 3, 4.

This section is again revised. The assistants as well as the inspectors may enter and take samples. St. 1885, c. 352, § 4.

Inspectors appointed under St. 1882, c. 263, are given authority under this section. St. 1885, c. 352, § 5.

SECT. 7. The mark must be in uncondensed Gothic letters. St. 1885, c. 352, § 7.

Such skimmed must have at least nine and three-tenths per cent. of milk solids exclusive of fat. St. 1885, c. 352, § 8.

SECT. 8. Obstructing inspectors is made an offence. St. 1884, c. 310, § 5.

SECT. 9. The milk must also contain not less than nine and three-tenths per cent. of milk solids exclusive of fat. St. 1885, c. 352, § 6.

SECT. 12, regulating the number of quarts that a milk can shall hold, is repealed. St. 1885, c. 145.

The wilful defacing and misuse of milk cans is punished. St. 1885, c. 133.

## CHAPTER 58.

### OF THE INSPECTION AND SALE OF PROVISIONS AND ANIMALS INTENDED FOR SLAUGHTER.

No poultry, except it be alive, shall be sold or exposed for sale until properly dressed. This act does not apply to green geese or green ducks nor to certain broiler chickens. St. 1883, c. 230.

The adulteration of any drug or article of food is punished. Adulteration is defined. St. 1882, c. 263.

The annual expenditure for the enforcement of the adulteration act may be not over ten thousand dollars. An annual report by the state board is required. St. 1884, c. 289, §§ 1, 2.

The adulteration act does not apply to mixtures recognized as ordinary articles of food, nor to drugs where the standard has been raised, nor to cases where an inferior article is ordered or the difference is known to the purchaser. St. 1884, c. 289, §§ 5, 7.

A part of the sample provided must be furnished to the defendant. St. 1884, c. 289, § 8.

St. 1883, c. 263, is repealed. St. 1884, c. 289, § 6.

## CHAPTER 59.

### OF THE INSPECTION AND SALE OF CERTAIN OILS.

The preparation, storage and sale of unsafe oils intended to be used for fuel is forbidden, the person guilty is punished and also made liable for all damages, and the oil is forfeited. A standard test for such oils is established. St. 1885, c. 98.

SECT. 7, which forbids kerosene to be sold for illuminating purposes, unless inspected, is changed in phraseology, and a clause added giving towns and cities power to regulate its inspection. St. 1882, c. 250.

SECT. 7 and St. 1882, c. 250, are repealed, and a new section substituted which forbids the selling or keeping for sale of kerosene or petroleum unless inspected by an authorized inspector under a penalty of fine or imprisonment or both. St. 1885, c. 122, § 2.

## CHAPTER 60.

### OF THE INSPECTION AND SALE OF VARIOUS ARTICLES.

SECT. 17, which provides the mode of issuing licenses to sell commercial fertilizers, is repealed. St. 1883, c. 29.

SECT. 20. A crate of cranberries containing thirty-two quarts, level measure, is made a legal measure, and all barrels or crates must be branded or marked "Massachusetts standard measure." Whoever so brands or marks any barrel or crate of less capacity, is punished. St. 1884, c. 161.

SECTS. 69-71. The adulteration of vinegar is forbidden, and its purity regulated. The act is to be enforced by the inspectors of milk. St. 1884, c. 307.

Artificial coloring matter is made an adulteration and the per cent. of acetic acid is reduced from five to four and one-half per cent., and that of cider vinegar solids is increased from one and one-half to two per cent. St. 1885, c. 150.

SECT. 69. Vinegar not made exclusively of apple cider, or into which foreign substances have been introduced, may not be sold, held with intent to sell or exposed for sale as cider vinegar. St. 1883, c. 257, § 1; St. 1884, c. 307, § 1.

SECT. 71. Compensation may be provided for the inspector of vinegar, or he may recover a reasonable compensation for his services. St. 1883, c. 257, § 2.

Cities or towns may pay inspectors of vinegar appointed under St. 1880, c. 113. St. 1884, c. 163.

SECT. 82. Coal in amounts less than five hundred pounds must be sold in measures of the dimensions prescribed, and any person who uses, or has with the intention to use, any other measure, is punished. St. 1883, c. 218.

The baskets and measures provided by St. 1883, c. 218, must be stamped with their capacity by the sealer of weights and measures, and the coal must be delivered in them. St. 1884, c. 70.

## CHAPTER 61.

### OF THE INSPECTION OF GAS AND GAS METERS.

A board of gas commissioners is established to whom the gas companies are to report and who have power to hear complaints and make orders with regard to the quality and price of gas. St. 1885, c. 314.

SECTS. 13-14. Gas for purposes other than lighting, need not be inspected under these sections. St. 1885, c. 240.

## CHAPTER 65.

### OF WEIGHTS AND MEASURES.

SECT. 8. Sealers of weights and measures are to be appointed in cities by the mayor and aldermen, and not by the city council. St. 1882, c. 42.

SECT. 21. Unlawful weights and measures may be seized. Possession is made *prima facie* evidence of unlawful intent, and the person having them is punished. St. 1883, c. 225.

## CHAPTER 67a.

### OF THE REGULATION OF PHARMACY.

A board of registration in pharmacy is established. Every person engaged in the business of retailing or dispensing drugs, medicines, chemicals or poisons, or compounding them for sale, must be registered. The business of retailing, compounding for sale and dispensing for medical purposes drugs, medicines, chemicals or poisons, is regulated. St. 1885, c. 313.

## CHAPTER 68.

### OF HAWKERS AND PEDLERS.

SECT. 2. Cities and towns may regulate the sale of any articles permitted to be sold by section 1, by any hawker or pedler, and their authority is not, as now, limited to the regulation of sales by minors, and they may impose penalties not over twenty dollars, but no fees can be imposed unless now lawful. St. 1883, c. 168.

SECT. 9. The secretary of the Commonwealth may grant licenses to persons recommended by the towns or cities, as stated in section 4, who are over seventy years of age, without any fee. St. 1883, c. 118.

## CHAPTER 69.

## OF SHIPPING AND SEAMEN, HARBORS AND HARBOR-MASTERS.

SECT. 23. The throwing into or depositing in harbors any injurious materials, is forbidden. The harbor commissioners may forbid injurious changes on the shores. St. 1884, c. 269.

SECT. 25. Assistant harbor-masters may be appointed as well as harbor-masters, and shall be subject to their control. St. 1882, c. 216.

SECTS. 26, 29, 33. The harbor-master may require vessels to change their place of anchorage. Masters of tug-boats and pilots must cause vessels in their charge to anchor under his direction. He may recover the expense of moving them, if not anchored as he requires. St. 1884, c. 173.

SECT. 33. The penalty is made to cover any violation of sections 23 to 32. St. 1884, c. 173.

## CHAPTER 70.

## OF PILOTS AND PILOTAGE.

Pilots may be appointed, in addition to those now allowed by law, except for the port of Boston. Where the recommendation of a society is now required, they shall not be appointed without a certificate from the society, unless it neglects for three months to pass upon their qualifications. St. 1882, c. 174.

If a vessel entering Boston harbor passes a line fixed, she is not liable to pilotage. St. 1884, c. 252, § 1.

Exempt vessels may require a pilot and then shall pay him. St. 1884, c. 252, § 5.

SECT. 27. Whaling vessels outward-bound from New Bedford are exempt from the pilotage law. St. 1884, c. 213.

SECT. 30. The limit of half fees in Boston harbor is increased from two hundred to three hundred and fifty tons, and such vessels are not held for fees out unless they take a pilot. St. 1884, c. 152, § § 2, 3.

SECT. 32. In the list of vessels exempt from compulsory pilotage are omitted "all single-decked coasting vessels of not more than three hundred and fifty tons." St. 1884, c. 252, § 4.

SECT. 39. Persons other than pilots may not assume or continue to act as such when pilots can be got. St. 1884, c. 252, § 6.

## CHAPTER 72.

## OF PUBLIC WAREHOUSES.

SECT. 2. The amount of the bond and its sureties are to be approved by the governor. St. 1885, c. 167.

## CHAPTER 74.

## OF THE EMPLOYMENT OF LABOR.

Employers must furnish seats for females employed. St. 1882, c. 150.

Manufacturers may sound bells, gongs and whistles as signals to their workmen, of such size and at such hours as the town or city authorities may in writing permit. St. 1883, c. 84.

SECT. 4. The ten hour law is made to apply to manufacturing and mercantile establishments. St. 1883, c. 157.

This section as amended in 1883 shall not apply to mercantile establishments. St. 1884, c. 275, § 4.

The employment of minors under eighteen years of age, for more than sixty hours a week, in mercantile establishments, is forbidden. A certificate of age, sworn to by the minor and his parent or guardian, is made *prima facie* evidence. Printed notices must be posted giving the hours of labor. St. 1884, c. 275, §§ 1, 2, 3.

## CHAPTER 77.

## OF MONEY, BILLS OF EXCHANGE, PROMISSORY NOTES AND CHECKS.

Checks or demand drafts may be paid within ten days after their date although the drawer in the meantime dies. St. 1885, c. 210, § 1.

SECT. 1. The par of exchange established by the United States, Rev. St. § 3565, is adopted. St. 1882, c. 110.

SECT. 8. The day following Christmas is made a holiday when Christmas falls on Sunday. St. 1882, c. 49.

## CHAPTER 77a.

## OF THE ENCOURAGEMENT OF AGRICULTURE.

A bounty of one dollar a ton is given for sugar made from beets or sorghum, under the regulations stated. St. 1883, c. 189.

## CHAPTER 79.

## OF THE STATE BOARD OF HEALTH, LUNACY AND CHARITY.

The governor may detail an officer of the district police to assist them in cases of deserted and unprotected children and of bastardy. St. 1885, c. 158.

## OF THE PRESERVATION OF THE PUBLIC HEALTH AND THE PROTECTION OF INFANTS.

SECT. 3. Vacancies in boards of health in towns, where no provision is made by special statute, shall be filled by the selectmen and board of health acting jointly. St. 1885, c. 307.

SECT. 60. Persons boarding an illegitimate child under one year old, must give notice to the overseers of the poor. The parent or parents must, when required, give satisfactory security for the maintenance of such child, and make true answers to all questions as to its residence, parentage and place of settlement. St. 1882, c. 270, § 3.

SECT. 79. The local board of health must, within twenty-four hours, notify the state board of cases of small-pox, or it forfeits the claim of the town to reimbursement. St. 1883, c. 138.

SECTS. 78, 79. Householders and physicians must report cases of diphtheria and scarlet fever, in addition to small-pox and other diseases dangerous to the public health, as before provided, and records of such reports shall be kept on blanks furnished by the state. Rooms and articles are to be disinfected to the approval of the board of health. St. 1884, c. 98.

SECT. 88. The appellant from an order as to offensive trades must apply for his jury to the court in the county where the premises are; not as now, where the order is made. St. 1883, c. 133.

SECT. 96. Bathing in ponds used for the domestic water supply of cities or towns is forbidden. St. 1884, c. 172.

The supreme judicial or superior court may, upon the application of a city or town, enjoin violations of this section. St. 1884, c. 154, § 1.

SECTS. 98, 99, 100, giving the state board supervision of sources of water supply, and power to make orders concerning them, are repealed. St. 1884, c. 154, § 2.

## CHAPTER 82.

### OF CEMETERIES AND BURIALS.

Corporations for the cremation of the dead are authorized and cremation is regulated. St. 1885, c. 265.

SECT. 3. The present section is repealed and a new section is enacted which more fully defines the rights of the widow and children to the possession, care and control of the burial lot. St. 1885, c. 302.

SECT. 6. Conveyances of burial lots recorded by the corporation owning the cemetery, require no other record. St. 1883, c. 142.

SECT. 17. Towns and cities may receive funds for the care and improvement of burial places, public or private, and of lots therein. St. 1884, c. 186.

SECT. 19. This section is redrawn. They may close any tomb, burial ground, cemetery or other place of burial. St. 1885, c. 278.

SECT. 24. On appeal from such order closing a burial place, the jury must find, in addition to the finding now required, that the closing thereof was not necessary for the protection of the public health. St. 1885, c. 278, § 2.

SECTS. 25-28. These sections, providing for the closing of tombs in cities by the city council, are repealed. St. 1885, c. 278, § 3.

## CHAPTER 84.

## OF THE SUPPORT OF PAUPERS BY CITIES AND TOWNS.

SECT. 6. Not only the kindred of the pauper but the pauper himself is liable for expenses incurred for him. St. 1882, c. 113.

SECT. 21. Destitute and deserted children may be placed in St. Mary's infant asylum, as well as in the Massachusetts infant asylum. St. 1883, c. 232.

## CHAPTER 85.

## OF THE MAINTENANCE OF BASTARD CHILDREN.

SECT. 1. The complaint may be made to and the warrant be issued by the clerk of the courts named, as well as by the courts themselves. St. 1885, c. 289.

## CHAPTER 86.

## OF ALIEN PASSENGERS AND STATE PAUPERS.

SECT. 13. The present board is abolished and a new one for both the almshouse and workhouse is established and regulated. It may transfer inmates. St. 1884, c. 297,

SECTS. 16, 19. The same person may be superintendent and resident physician. St. 1883, c. 278.

SECT. 25. The notice in case of persons too sick to be removed must be signed by the overseers of the poor, or some person appointed by them, and must certify to the facts after personal examination. St. 1885, c. 211.

SECT. 26. The bills must be endorsed with a distinct declaration that the amount charged for has been paid from the town or city treasury. St. 1885, c. 211.

SECT. 31. The expense is to be paid only when written notice has been given to the state board within sixty days from the time when the aid was first given. St. 1885, c. 211.

SECT. 28 is repealed, and provision is made that idiots may be sent to the School for the Feeble-Minded. The trustees there may receive them or send them home, or to the state almshouse, or to the place of their settlement. St. 1883, c. 239, § 5, 6, 7.

SECT. 37. Persons, not sentenced inmates, who abscond or escape, and within one year are found soliciting public charity, are punished. Provision is made for complaints against them and as to what courts shall have jurisdiction. St. 1884, c. 258.

SECT. 46. The age until which children, who are state paupers, may be placed by the state board in private families, is raised from two to three years. St. 1882, c. 181, § 1.

Section 46, as amended, applies to St. Mary's infant asylum, but indigent and neglected infants without settlement, are to be committed to the state board of health, which board shall provide for them as they judge best for each child. St. 1883, c. 232, s. 3.

## CHAPTER 87.

## OF LUNACY AND INSTITUTIONS FOR LUNATICS.

Persons subject to dipsomania or habitual drunkenness, but not otherwise of bad character or repute, may be committed to the state lunatic hospitals until recovery, or until their confinement is no longer necessary for the safety of the public or their own welfare. St. 1885, c. 339.

SECT. 2. A new hospital is established at Westborough under homœopathic treatment. St. 1884, c. 322.

SECT. 4. The number of the trustees of the state lunatic hospitals is increased from five to seven, and five shall be men and two women. St. 1884, c. 149.

SECT. 7. An educated female physician is to be appointed for each state lunatic hospital. St. 1884, c. 116.

SECTS. 26-46. Provision is made for asylums for the chronic insane in cities of over fifty thousand inhabitants. They are subject to the control of the state board, who may send patients there from state asylums or remove them. St. 1884, c. 234.

SECT. 34. The support of insane persons sentenced to the state prison, or accused of felony and committed by order of court, is paid by the state. St. 1883, c. 148.

SECT. 37. The punishment of persons leaving the almshouse and begging, is increased. St. 1884, c. 258, § 1.

SECTS. 38-45. Insane persons of the chronic and quiet class may be placed at board in families. Those who are boarded at state expense must be visited at least once in three months, and those boarded at the expense of towns and cities at least once in six months. They may be removed to the hospitals, if not properly treated and cared for. St. 1885, c. 385.

SECT. 40. The trustees of the state hospitals and of the Massachusetts General Hospital may confer on their superintendents power to discharge patients after notice to the person who signed the petition for commitment. The superintendents may allow any inmate to be taken away by his friends for a period of not over sixty days. St. 1883, c. 78.

SECT. 55. The name of the Massachusetts School for Idiotic and Feeble Minded Youth is changed to the Massachusetts School for the Feeble Minded. St. 1883, c. 239, § 1.

SECT. 56. The mode of committing to the school is regulated. (See c. 86, § 28.) The powers of the trustees are increased and the payments for the support of patients are provided for, and the recovery of the expense of such support in case of paupers. Scholars may be received from other states or provinces. The trustees may discharge patients or send them home or to the place of their settlement, or to the state almshouse, or allow them to be absent on visits of not over three months. St. 1883, c. 239.

SECTS. 55, 56. Applicants for the admission of pupils or idiots to the School for the Feeble Minded must give notice to the mayor or selectmen, and prove the giving of it to the judge. St. 1884, c. 88.

## CHAPTER 88.

## OF THE STATE WORKHOUSE.

SECT. 1. The present board is abolished and a new board for both the almshouse and workhouse is established and regulated. It may transfer inmates. St. 1884, c. 297.

The location of the workhouse is changed from Bridgewater to Westborough. St. 1883, c. 279.

SECT. 8. Persons not sentenced who escape and are within one year found soliciting charity are punished. Special provision is made for their prosecution. St. 1884, c. 258.

## CHAPTER 89.

## OF THE STATE PRIMARY AND REFORM SCHOOLS AND THE VISITATION AND REFORMATION OF JUVENILE OFFENDERS.

SECT. 3. Provision is made for the care and maintenance of pauper children, between the ages of three and sixteen, at the state primary school, when they have no settlement. St. 1882, c. 181, § 2.

SECT. 8 *et seq.* The state reform school is hereafter to be known as the Lyman School for Boys. St. 1884, c. 323, §§ 1, 2.

The trustees are authorized to purchase more land and erect buildings. St. 1885, c. 151.

SECT. 8. A temporary place of detention is provided for a part of the inmates of the Lyman School for Boys. St. 1885, c. 86.

SECT. 18. Before a warrant can issue for the arrest of any child under twelve, a summons to him must first issue. If he fails to appear, then a warrant. St. 1882, c. 127.

SECTS. 18, 23, 24. No boy shall be committed to the Lyman School for Boys if over fifteen. If error is made in his age, the sentence may be revised. St. 1884, c. 323, § 3.

SECT. 20. The last clauses of this section, providing for notice to the board of health, are so changed that notice is given only when the judge would, upon conviction, send the child to a public institution or to the custody of that board, and notice to the mayor or selectmen is no longer required. St. 1883, c. 110.

SECT. 21. A child under twelve years of age must be committed, in default of bail, to the custody of the state board of health, lunacy and charity, except in cases of offences punishable by imprisonment for life or of truancy. St. 1882, c. 127.

SECT. 23. No boy over fifteen years of age can be sent to the reform school at Westborough. St. 1884, c. 255, § 11.

SECTS. 26-29. No child under twelve years of age can be punished by confinement in a jail, house of correction, the house of industry in Boston, or at the state workhouse, except for crimes punishable by imprisonment for life or for truancy. St. 1882, c. 127.

## CHAPTER 90.

## OF CONTAGIOUS DISEASES AMONG CATTLE, HORSES AND OTHER DOMESTIC ANIMALS.

SECT. 3. Animals affected with glanders or farcy are excepted from this section, and are to be killed without appraisement, but the owner may be paid for killing and burying them. St. 1885, c. 148, § 3.

SECT. 9. Whoever has knowledge of the existence of a contagious disease among any species of domestic animals must forthwith give notice or he is punished. This notice must then be given to the board of cattle commissioners. St. 1885, c. 148.

SECT. 12. The cattle commissioners are appointed for three years, one going out each year. Members are removable, and the commissions of the whole board may be terminated by the governor and council. Their compensation is raised from four to five dollars per day. St. 1885, c. 378.

SECT. 22. The commissioners, in the necessary discharge of their duties, may administer oaths. St. 1885, c. 148, § 4.

SECT. 90. The cattle commissioners are to investigate the disease among cattle known as abortion. St. 1884, c. 232.

## CHAPTER 91.

## OF INLAND FISHERIES AND KELP.

The provision for leasing great ponds is repealed. St. 1885, c. 109.

A penalty is imposed on persons taking without the owner's consent, fish or lobsters caught in nets, etc., or wilfully interfering with such nets, etc. St. 1882, c. 53.

Striped bass or bluefish are protected in Edgartown. St. 1882, c. 65. Repealed. St. 1885, c. 247.

The catching of bluefish in Vineyard Sound is regulated. St. 1885, c. 193.

Fishing near Brandt Island, in Mattapoisett (St. 1884, c. 214, § 2), and in Mashpee and Barnstable, is regulated. St. 1884, c. 264.

SECTS. 10-24. With certain exceptions nets may not be used in ponds. St. 1884, c. 318.

SECTS. 32, 33. Taking alewives in the county of Dukes county is regulated, and a penalty and forfeiture is imposed, amending the statute next below. St. 1884, c. 245.

The lessees of Great Pond and Job's Neck Pond, in Edgartown, are allowed to take smelts and alewives at all seasons, but no other person may take any other fish but eels. St. 1882, c. 102.

SECT. 36 is changed to allow nets or seines to be used in the Merrimack River, below the Essex Merrimack bridge, after June 20. St. 1882, c. 166.

The size of the mesh in the seine is limited. St. 1884, c. 317.

The commissioners may issue licenses to take the protected fish in the tidal waters of the Merrimack River and its tributaries, but shall charge no fee therefor. St. 1883, c. 121.

SECTS. 36-39. Shiners, for bait, may be caught with seines in the Merrimack River, in November and December, except near fishways, other fish being returned to the water. St. 1883, c. 31.

SECT. 41. The North River, in Plymouth county, is excepted from this section, and fishing there is regulated. St. 1884, c. 199.

SECTS. 51-53. The open time for trout, land-locked salmon and lake trout is extended from the first of October to April, to from the first of September to April. St. 1884, c. 171.

SECTS. 81-82, which regulate the catching of lobsters, are amended by reducing the time from "June 20 to September 20," to the month of July, and changing "lobster" to "female lobster bearing eggs." St. 1882, c. 98.

SECT. 84. The possession of a lobster under the legal size, is punished, the words "with intent to sell" being stricken out. Mutilation affecting the length is *prima facie* evidence that the lobster is under the legal size. The commissioners of inland fisheries, with the assistance of the district police, have power to enforce the law. St. 1884, c. 212.

The fish commissioners, either personally or by deputy, and the district police detailed for that purpose, may search suspected places for, seize and remove lobsters taken, held or offered for sale illegally. St. 1885, c. 256.

SECTS. 97-107. Oyster licenses may be granted for any waters where there are no natural oyster beds. St. 1884, c. 284.

SECTS. 97-101. The granting of licenses to plant, grow and dig oysters is regulated, and their revocation is provided for. St. 1885, c. 220, § § 1, 2.

Interference with licensed oyster beds, is punished. St. 1885, c. 220, § 5.

SECT. 97. Oyster licenses are limited to ten years instead of twenty. St. 1884, c. 284.

SECT. 102. The taking of scallops is regulated. St. 1885, c. 220, § § 3, 4.

Constables may be designated to enforce the laws relating to shell fisheries, with authority to arrest without warrant, and seize vessels and implements, which shall be forfeited. St. 1885, c. 220, § 6.

## CHAPTER 92.

### OF THE PRESERVATION OF CERTAIN BIRDS AND OTHER ANIMALS.

The owner of land may post notices forbidding shooting and trapping, and it shall then be unlawful to enter it for those purposes. Game artificially propagated on land where shooting or trapping is forbidden, belongs to the land-owner. St. 1884, c. 308, § 2.

SECT. 3. Wild ducks and fowl are protected in certain ponds. St. 1884, c. 282.

SECT. 6. English sparrows are no longer protected. The mayor or selectmen may give certificates allowing the killing of birds for scientific purposes. St. 1883, c. 36.

SECT. 8. The time during which deer may be taken is changed from the month of November to four days in each week in November, and the penalty is modified. St. 1882, c. 199, § 1.

The killing of deer, except tame deer on the owner's grounds, is forbidden in Plymouth and Barnstable counties. St. 1883, c. 169.

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SECT. 10 is amended, so that the possession of a deer, except in November, is *prima facie* evidence of a violation of the law. St. 1882, c. 199, § 2.

### CHAPTER 94.

#### OF TIMBER AFLOAT OR CAST ON SHORE.

The Connecticut River Lumber Company is authorized to construct a boom in the river. St. 1882, c. 274.

SECT. 5, which forbids the driving of logs, except in rafts, in the Connecticut River, is limited to the river below the entrance of the Chicopee River; but the Connecticut River Lumber Company must pay damage to owners of ferries and pleasure boats above. St. 1882, c. 274.

St. 1882, c. 274, is repealed, and section 5 of this chapter is amended. St. 1883, c. 183.

The county commissioners of Franklin, Hampden and Hampshire, within their respective counties, may regulate the floating of timber on the Connecticut River above the Chicopee River, and require persons doing it to protect dams, bridges and boats. St. 1883, c. 183.

### CHAPTER 97.

#### OF WRECKS AND SHIPWRECKED GOODS.

Provision is made for the removal of wrecks and unauthorized structures in the navigable waters of the Commonwealth. St. 1883, c. 260.

SECT. 1. The bond of the commissioner runs to the treasurer instead of the judge of probate, and provision is made for the discharge of the sureties. St. 1885, c. 341.

SECT. 2. If the goods are less in value than one hundred dollars, he may act. St. 1885, c. 341, § 1, 2, 3.

SECTS. 11, 12, 14. New provision is made for the sale of perishable goods and the keeping of other goods and for accounting for the proceeds to the treasurer. St. 1885, c. 341.

### CHAPTER 98.

#### OF THE OBSERVANCE OF THE LORD'S DAY.

The provisions relating to the observance of the Lord's Day shall not be a defence to actions for torts or injuries suffered by a person on that day. St. 1884, c. 37.

### CHAPTER 99.

#### OF GAMING.

SECT. 8 is revised and extended to persons present in any such place engaged in any such business or employment. St. 1885, c. 342.

SECT. 10. The penalty is extended to those present at a gambling house as well as to those playing. St. 1883, c. 120.

## CHAPTER 100.

## OF INTOXICATING LIQUORS.

No case for the violation of the liquor laws shall be disposed of except by trial and judgment, unless the presiding judge on affidavits orders it. St. 1885, c. 359.

SECT. 5. Licenses of the first three classes cannot be granted in any place within four hundred feet of a public school on the same street. St. 1882, c. 220.

Applications may be received, investigated and acted upon in March or April and granted in April. St. 1883, c. 93.

A recount of the ballots on the question of license may be had in cities under the provisions of St. 1885, c. 299, §§ 22-26. St. 1885, c. 262.

In Boston licenses are to be signed by the police commissioners. St. 1885, c. 84.

SECT. 6. The publication of the notice of application for licenses in Charlestown, East Boston, South Boston, Roxbury, West Roxbury, Dorchester and Brighton districts, must be in one weekly paper in the district as well as in the daily papers in Boston. St. 1882, c. 222.

Applications may be advertised in March or April. St. 1883, c. 93.

SECT. 9. Common victuallers must close between twelve and five in the morning. St. 1882, c. 242.

The sale of intoxicating liquor is forbidden after eleven o'clock instead of twelve. St. 1885, c. 90.

The fourth condition of the license is extended to forbid sales or deliveries to persons known to have been supported, in whole or in part, by public charity within twelve months before the date of the license. St. 1884, c. 158.

No common victualler or innkeeper having a license to sell intoxicating liquors, may sell, give away or deliver such liquors on the day of any national, municipal, or annual town election in his town or city. St. 1885, c. 216.

SECT. 12. To provisions forbidding any screen to prevent a view of the business, is added "or a view of the interior of said premises," and such screen or obstruction makes the license itself void. St. 1882, c. 259.

SECT. 13. Each surety offered on the bond given to obtain a license must make affidavit that he is worth \$2,000 above all liabilities, and shall designate enough property to meet the bond. This affidavit is filed with the bond. St. 1882, c. 259.

SECT. 18. Common victuallers who keep open during the forbidden hours come within the fines and forfeitures of this section. St. 1882, c. 242.

SECT. 25. This section, which forbids sales after notice, applies to sales by druggists and apothecaries except on prescriptions of physicians. The mayor of a city or any one of the selectmen of a town may give the notice, and then sue in his own name but for the benefit of husband, wife, child, parent or guardian of the person. St. 1885, c. 282.

SECT. 29. The assayer of liquors is now required to analyze liquors sent to him by officers, and the forms of application and certificate are given. Tampering with the samples is punished. His certificate is evidence. The court may order analysis by other chemists. St. 1882, c. 221.

The salary of the inspector and assayer of liquors is to be paid monthly instead of quarterly. St. 1885, c. 224.

SECT. 30. A search warrant for liquor may be issued by a justice of the peace authorized to issue warrants in criminal cases. St. 1884, c. 191.

## CHAPTER 102.

## OF LICENSES AND MUNICIPAL REGULATIONS OF POLICE.

SECT. 12. The liability of innholders is still farther limited. St. 1885, c. 358.

SECT. 13. The penalty for fraudulently procuring entertainment at inns is extended to boarding houses. A copy of this section must be posted up. St. 1883, c. 187.

The maximum fine for fraudulently procuring entertainment at an inn is reduced from one hundred to fifty dollars. St. 1884, c. 169.

SECT. 33. Articles of personal apparel shall not be deemed to be of a perishable nature for purposes of sale by pawnbrokers. St. 1884, c. 324.

SECTS. 33-36. Persons engaged in the business of loaning money, or its equivalent, in sums of less than one hundred dollars, on household goods, wearing apparel or articles of personal use or ornament, or on pledges or mortgages of such property, it being delivered to them, are subject to these sections. St. 1885, c. 252.

SECT. 54. Cities and towns may regulate the sale or use of toy pistols, toy cannon, and all articles in which explosives are used. St. 1882, c. 272.

Fire-arms or dangerous weapons may not be sold or furnished to minors under fifteen years of age. St. 1884, c. 76.

SECT. 56. Any one storing, or keeping for sale, gunpowder over one pound in amount, must at once give notice to the chief engineer, or, in Boston, to the board of fire commissioners, of the amount and place in the building. St. 1882, c. 269.

SECT. 75. Towns and cities may regulate the inspection of kerosene and petroleum. St. 1885, c. 122, § 1.

SECT. 80. A dog which becomes three months old after the thirtieth day of April, must be licensed. St. 1885, c. 292.

SECT. 86. In case of a transfer of a dog license, it must be recorded again if the dog is kept in the city or town thirty days. St. 1884, c. 185.

SECTS. 115-127. Provision is made for licensing skating rinks. Persons keeping unlicensed rinks are punished and officers may enter them to enforce the laws. St. 1885, c. 196.

SECT. 124. The fee for licenses of pawnbrokers etc., is made payable to the board issuing the license, instead of to the clerk, and the words "not less than" are put before the sum to be paid. St. 1882, c. 258.

SECTS. 124, 126, 127. Groves used for picnics and other amusements must be licensed in towns or cities which accept this act. St. 1885, c. 309.

## CHAPTER 103.

## OF THE DISTRICT AND OTHER POLICE.

SECT. 1. The governor may appoint four more district police officers, but the whole number shall not exceed twenty. St. 1885, c. 131.

District police need no longer be examined by a judge. St. 1884, c. 190.

St. 1884, c. 190 is repealed, and candidates for the district police need not be examined by, or under the direction of, a justice of the superior court. St. 1885, c. 186.

SECT. 10. It is made the duty of the inspectors of buildings to enforce sections 16, 17, 18 of chapter 104 of the Public Statutes, as well as sections 13-15 and 19-22, except where there are special officers for the purpose. If they neglect their duty, they are to be discharged. These sections relate to fire escapes. St. 1882, c. 266, §§ 4, 5, 6.

SECT. 15. Railroad police shall be sworn and hold office until their appointment is revoked by the mayor and aldermen or selectmen, instead of during pleasure. St. 1883, c. 65.

## CHAPTER 104.

## OF THE INSPECTION OF BUILDINGS.

No wooden flue for heating or ventilating shall be used in any building over two stories in height, and occupied wholly or in part as a church, school, hotel, theatre or other place of public assembly. St. 1885, c. 326.

SECT. 14. Relating to hoistways, elevators, etc., in factories, is extended to mercantile and public buildings. Safety appliances to the elevators in event of accident to the hoisting machinery are also required. St. 1883, c. 208.

The inspectors of buildings may forbid the use of elevators for passengers or freight which are unsafe, and may post a notice to that effect, which must not be removed. St. 1883, c. 173.

SECTS. 15, 16, 17, 18. Fire escapes are required in hotels, lodging houses or boarding houses above a fixed size, and such buildings must have watchmen, lights in the halls, gongs and notices describing the means of escape. Factories must also have fire escapes if more than forty persons are employed. The municipal authorities may require further precautions. St. 1883, c. 251.

Certain approved appliances are allowed in the place of one watchman. St. 1884, c. 223, § 1.

These sections apply to family hotels. St. 1884, c. 223, § 2.

SECT. 15, regulating fire escapes, is made to apply to manufacturing establishments as well as to factories; and cities may make it apply to all buildings three stories or more in height. St. 1882, c. 266, § 1.

SECT. 19. No inside or outside door of any building where operatives are employed shall be fastened during working hours, and the inspectors of factories must enforce this law. St. 1884, c. 52.

SECT. 20. Every tenement or lodging house three stories in height must have a fire escape approved by the inspectors. St. 1882, c. 266, § 2.

SECT. 22. The penalty is changed from a forfeiture to a fine and made to cover sections 13 to 21 inclusive, instead of 13, 14, 15, 19, 20, 21. The person to whom notice of required changes is to be given is defined. St. 1882, c. 266, § 3.

SECT. 23. The authority of inspectors under sections 13 to 21 does not extend to Boston or other cities where there are officers specially appointed. St. 1882, c. 266, § 4.

SECT. 24, which requires the discharge of officers not attending to their duties, is made to apply to sections 16, 17, 18. St. 1882, c. 266, § 5.

## CHAPTER 105.

### OF CERTAIN POWERS, DUTIES AND LIABILITIES OF CORPORATIONS.

Foreign corporations, except insurance companies during business here must appoint the commissioner agent to receive service in suits, and must make return of their charters and capital. St. 1884, c. 330.

SECT. 24. No record is necessary to the transfer of stock. St. 1884, c. 229.

SECT. 42. The clause limiting the time within which a receiver of a corporation may be appointed is stricken out. St. 1884, c. 203.

## CHAPTER 106.

### OF MANUFACTURING AND OTHER CORPORATIONS.

SECTS. 3, 4, 51. Any corporation governed by these sections may alter its business under section 51. St. 1885, c. 310.

SECT. 10. Ten or more persons may form a corporation to examine and guarantee the titles of real estate. Regulations for the business are established. St. 1884, c. 180.

The formation of corporations for the purpose of cremating the bodies of the dead is authorized and such cremation is regulated. St. 1885, c. 265.

SECTS. 11, 52, 75. These sections are extended to corporation for the making, selling and distributing gas for heating, cooking, chemical and mechanical purposes. The gas need not be inspected under chapter 61, §§ 13, 14. The gas cannot be used for domestic purposes unless connected with a chimney or flue. St. 1885, c. 240.

SECT. 75. Where a gas company exists in active operation, no other company or person shall dig up and open the streets, lanes and highways, for the purpose of laying gas-pipes therein without the consent of the mayor and aldermen or selectmen after a public hearing. An appeal lies to the gas commissioners. St. 1885, c. 314, § 10, 16.

## CHAPTER 109.

## OF COMPANIES FOR THE TRANSMISSION OF INTELLIGENCE BY ELECTRICITY.

This chapter, except sections 16 and 18 shall also apply to lines for electric light. St. 1883, c. 221.

SECT. 4. Provision is made for damages to abutters on roads used for wires. St. 1884, c. 306.

SECT. 10. Telephone companies must furnish telephones, telephone service and connections to all individuals and corporations without discrimination. Courts of equity may enforce this statute. St. 1885, c. 267.

Telegraph companies are made responsible for all damages caused by their negligence in the transmission of messages to the amount of one hundred dollars, but this does not apply to railroad telegraphs transacting a public business only as incidental thereto. St. 1885, c. 380.

SECT. 15. Wires must not be put up without the landowner's consent. The name of the owner of the wire must be put on the posts, etc. St. 1884, c. 302.

## CHAPTER 112.

## OF RAILROAD CORPORATIONS AND RAILROADS.

SECT. 10. The salary of the clerk of the railroad commissioners is raised from \$2,000 to \$2,500. St. 1885, c. 119.

The salaries of the railroad commissioners and their clerk and accountant are to be paid monthly instead of quarterly. St. 1885, c. 224.

SECTS. 10, 11. The sum which may be allowed to the accountant is increased from \$2,000 to \$2,500. St. 1885, c. 164.

SECTS. 17, 127, 169. The commissioners are given power to regulate the occupation of street crossings, and to direct changes in tracks for that purpose and the supreme court may enforce their orders. St. 1885, c. 110.

SECT. 34. Organization, under the general law, cannot be made unless the railroad commissioners grant a certificate that public necessity and convenience require the construction of the road. St. 1882, c. 265, § 1.

SECT. 38. No steam railroad can be located within three miles of the state house without the consent of the railroad commissioners, and of the mayor and aldermen or selectmen of the city or town in which a location is sought. St. 1882, c. 265, § 4.

SECT. 44. The proceedings are void unless the certificate of incorporation is issued within one year from the time when the route is fixed. St. 1882, c. 265, § 2.

SECT. 62. The stockholders may before May 13, 1883, ratify any notes or bonds not approved or certified as required in this section. St. 1883, c. 7.

SECT. 91. To the purposes for which land outside the location may be taken is added, the construction of one or more tracks. The assent of the city or town is required where public highways, buildings, parks or cemeteries are to be taken. St. 1884, c. 134.

SECT. 115. The power to exempt railroads from the duty to fence, is transferred from the county commissioners to the railroad commissioners. Proceedings to revoke such exemptions are regulated. St. 1882, c. 162.

SECT. 127. The commissioners are given power to regulate the occupation of street crossings, and to direct changes in tracks for that purpose and the supreme court may enforce their orders. St. 1885, c. 110.

SECTS. 129-134. The betterment act is extended to alterations of ways at railroad crossings. St. 1884. c. 280.

SECT. 129. An appeal from the decision of the county commissioners as to crossings of highways and railroads and as to private crossings may be taken by any person aggrieved by their decision or neglect to decide for sixty days. The proceedings are regulated. St. 1882, c. 135.

The county commissioners may, also, on the petition of twenty legal voters of the county, assume jurisdiction as to grade crossings of railroads and highways. Notice is provided for. The order cannot be made if the expense will exceed \$3,000. Their order may be annulled if the expense exceeds \$6,000. St. 1885, c. 194, § 1.

In Boston the railroad commissioners have jurisdiction under this section either on petition of the mayor and aldermen or of the directors of the company. St. 1885, c. 194, § 2.

No appeal shall hereafter be allowed from decisions or orders of the county commissioners under this section, except in proceedings pending. St. 1885, c. 194, § 6.

SECT. 130. This section is amended by adding "or otherwise," so that the latter part shall read, "and all damages occasioned by such taking or otherwise shall be assessed." St. 1885, c. 194, § 3.

SECT. 131. "Or" is changed to "and," and the commission may direct which party shall pay the expenses, and it may apportion them between the railroad and the town, city or county in which the crossing is, and other towns and cities within the county specially interested. St. 1885, c. 194, § 4.

SECT. 132. The hearing need not be in term time. St. 1885. c. 194, § 5.

SECT. 139. The clause forbidding branches within eight miles of the state house is stricken out. St. 1884, c. 279.

SECT. 161. Provision is made for interlocking or automatic signals at railroad crossings, and for the expense of their maintainance. St. 1885, c. 85.

SECT. 163. The commissioners may forbid or regulate locomotive whistles at highway crossings. St. 1885, c. 334.

SECT. 166. The railroad commissioners, as well as the town or city authorities, may require gates or flags at crossings. St. 1883, c. 117.

SECT. 169. The commissioners are given power to regulate the occupation of street crossings and to direct changes in tracks for that purpose, and the supreme court may enforce their orders. St. 1885, c. 110.

SECT. 170. Locomotive boilers must be tested. St. 1882, c. 73.

Safety couplers are required on freight cars. St. 1884, c. 222.

SECT. 171. In addition to the tools which each train must now carry, each car of every passenger train must have two sets of tools, safeguards against fire, and such other appliances as the railroad commissioners require. St. 1882, c. 54.

SECT. 179. The requirement of an examination for color blindness every two years is repealed. St. 1883, c. 125.

SECT. 180. Railroads may establish tolls and fares, but they are forbidden to give undue or unreasonable preferences. St. 1882, cc. 94, 225.

Only ten cents extra can be charged where fare is paid on the cars, and a check must be given redeemable in ten days, all under a penalty. St. 1883, c. 32.

SECT. 202. The offence of interfering with electric signals is enlarged by omitting the word, "electric." St. 1884, c. 5.

SECT. 205. Unlawfully using, removing or tampering with the tools required to be carried on passenger trains, is punished. St. 1882, c. 54, § 2.

SECT. 212. If an employee, in the exercise of due care, is killed, under such circumstances that he could have maintained an action for damages if death had not resulted, the corporation shall be liable as if he had not been an employee. St. 1883, c. 243.

## CHAPTER 115.

### OF ASSOCIATIONS FOR CHARITABLE, EDUCATIONAL AND OTHER PURPOSES.

No association formed for medical purposes under this chapter can confer degrees, and officers attempting to do so, are punished. St. 1883, c. 268.

SECT. 2. Relief societies may be formed by the employees of railroads and steamboat companies. They are subject to the supervision of the railroad commissioners. St. 1882, c. 244.

Corporations organized under this chapter may provide for weekly or other payments to members in need, and establish rates. St. 1882, c. 195.

SECTS. 3, 4, 5. Corporations for life and casualty insurance on the assessment plan may be formed. St. 1885, c. 183, § 2.

SECT. 8. Such corporations may accumulate funds to assist the widows, orphans or other relatives of deceased members, or any person dependent on them. St. 1882, c. 195, § 2.

SECT. 11, which provides for the returns of benefit societies, is amended to cover societies making payments for disabilities, and to make the returns more definite. St. 1882, c. 195, § 3.

No such society can re-insure or transfer its policies to any society not authorized to do business here. St. 1882, c. 195, § 4.

## CHAPTER 116.

### OF SAVINGS BANKS AND INSTITUTIONS FOR SAVING.

Receivers at the end of one year from their final settlement must deposit all books and papers with the commissioners. St. 1882, c. 77.

The books and papers of insolvent savings banks may be stored in the Commonwealth building. St. 1884, c. 72.

SECT. 2. The part relating to clerical assistance (\$1,600 per annum) is repealed, and the salary of the first clerk fixed at \$1,300 and the extra clerk at \$700. St. 1882, c. 148.

SECT. 16. Notice of special meetings must be given, both by publication and by mailing notices, instead of in either mode, as at present. St. 1884, c. 150.

SECT. 19. A savings bank may only receive or pay deposits at their banking house, which must be where the bank is established. St. 1884, c. 253.

SECT. 20. The limit of authorized investments is extended. St. 1882, c. 231; St. 1883, c. 134; St. 1885, cc. 111, 124, 348.

"Net indebtedness" is to be computed, excluding water loans and crediting sinking funds. St. 1883, c. 127.

Only a sum equal to thirty-five per cent. of the deposits can be invested or held as collateral in stocks of banks, and if more is now held it must be reduced to that amount before July 1, 1885. St. 1883, c. 202.

SECT. 20, cl. 4. The amount of the stock of any one bank which can be held as an investment or as collateral security is limited to three per cent. of the deposits. St. 1882, c. 224.

SECT. 20, cl. 6. The amount which savings banks may lend on personal security to any person, firm or corporation is limited. St. 1884, c. 168.

SECT. 20, cl. 8. The time for the sale of real estate now held by foreclosure is extended. St. 1882, c. 200.

One year more is given with power for the bank commissioners to grant two years additional time. St. 1883, c. 52.

SECTS. 13, 21, 22, 23. The names of the board of investment must be published twice a year. St. 1882, c. 50.

SECT. 29. Savings bank orders may be paid, when presented within thirty days after their date, although the depositor has in the mean time died, and at any time after, provided the bank has not had actual notice of his death. St. 1885, c. 210, § 2.

SECT. 44 is repealed and new provision is made for paying unclaimed dividends into the treasury. Claims for such dividends may be made within two years. St. 1883, c. 258.

## CHAPTER 117.

### OF CO-OPERATIVE SAVINGS FUND AND LOAN ASSOCIATIONS.

SECT. 3. The words "co-operative savings fund and loan association" are changed to "co-operative bank" in the statute and in the names of all associations existing or future. St. 1883, c. 98.

SECT. 5. Co-operative banks must provide a guaranty fund. St. 1885, c. 121, § 2.

SECT. 6. The offices of secretary and treasurer of a co-operative bank may be held by one person. St. 1885, c. 121, § 1.

SECT. 8. The mode of withdrawing or retiring shares is determined and their value. St. 1882, c. 251, § 1.

SECT. 10. Before paying off matured shares, arrears and fines are to be deducted. St. 1882, c. 251, § 1.

In lending money the bids may be a rate of interest not less than five per cent. instead of a premium. St. 1882, c. 251, § 2.

SECT. 16 is amended by providing that the share of a member six months in arrears may be declared forfeited. He is then given credit for the withdrawing value of his share and the balance is enforced against his security. St. 1882, c. 251, § 1.

## CHAPTER 119.

### OF INSURANCE COMPANIES AND INSURANCE.

Provision is made for insurance against tempests. St. 1883, c. 33, § 4.

The formation of mutual fire insurance companies with a subscription fund is authorized and regulated. St. 1885, c. 354.

Companies to guaranty the fidelity of persons and to act as sureties on bonds are authorized and regulated. St. 1884, c. 296.

And to examine and guaranty the titles of real estate. St. 1884, c. 180.

Foreign fidelity insurance companies, when admitted to do business here have the same powers and privileges as companies formed under St. 1884, c. 296. They may be sureties on probate bonds. St. 1885, c. 241.

SECT. 6. In addition to the commissioner or his deputy, the first clerk, under the direction of the commissioner, is authorized to examine domestic companies. St. 1883, c. 235.

SECT. 11. In computing the amount required for reinsurance, instead of taking the full amount of all marine risks, sixty per cent. is taken on yearly risks and those covering more than one voyage. St. 1883, c. 126.

Fire, marine or inland insurance companies with a capital not exceeding two hundred thousand dollars, shall compute reinsurance at fifty per cent. of outstanding premiums on inland business, and at one hundred per cent. on all ocean marine premiums. St. 1884, c. 178.

SECT. 21. The money or relief to be paid by companies incorporated under this act and doing life or casualty insurance on the assessment plan is not attachable. St. 1885, c. 183, § 11.

SECTS. 26-29. Domestic marine insurance companies may insure against fire or lightning on adding to their capital the minimum amount required for such business. St. 1884, c. 177.

SECT. 29. The minimum capital required for fire, marine and inland business is fixed at two thousand dollars in all cases. No foreign company shall be allowed to do other than a fire business unless its capital shall be three hundred thousand dollars or more. St. 1884, c. 178.

SECT. 38. The benefit provided by corporations under this act is not held for debts or liabilities of the insured or beneficiary. St. 1885, c. 183, § 11.

SECT. 46. Insurance companies may invest their capital in any investments in which savings banks may invest their deposits. St. 1885, c. 308.

SECTS. 51, 79. Insurance companies may provide for dividing their directors into two, three or four classes to hold office those numbers of years. St. 1884, c. 74.

SECT. 133, which limits the risks to be taken in towns and districts, is modified. St. 1883, c. 33, § 2.

SECTS. 141 *et seq.* Discrimination on account of color is forbidden. St. 1884, c. 235.

SECT. 145. Life and casualty insurance on the assessment plan is regulated. St. 1885, c. 183.

SECT. 156. The securities deposited with the state treasurer to comply with the laws of other states under this section, may be returned. St. 1884, c. 119.

SECT. 157. The fee for valuing life insurance policies is reduced from one cent to five mills on each thousand dollars. St. 1884, c. 55.

SECT. 167. The benefit provided by companies formed under this act cannot be held for debts or liabilities of policy or certificate holders or beneficiaries. St. 1885, c. 183, § 11.

SECT. 173. This section is repealed and unclaimed dividends are paid into the treasury. Claims for such dividends may be made within two years. St. 1883, c. 258.

Receivers at the end of one year from the final settlement must deposit all books and papers with the insurance commissioner. St. 1883, c. 33, § 5.

SECTS. 178-195. Reinsurance in companies not authorized to insure here is forbidden. St. 1883, c. 33, § 1; St. 1884, c. 120.

SECT. 185. False or fraudulent statements or representations by any solicitor, agent or examining physician, are made misdemeanors and punished when made with reference to insurance under this act. St. 1885, c. 183, § 12.

SECTS. 200, 224. In certain cases where a sufficient amount of insurance cannot be procured in companies admitted to do business here, persons may be licensed to procure insurance in companies not admitted. St. 1885, c. 300.

SECT. 218. Provision is made for withdrawing the deposit made by foreign insurance companies, when all claims are satisfied, and for changing its investment and for enforcing in equity the trust on which it is held. St. 1883, c. 107.

SECT. 227. The commissioner is to furnish, in December, blanks for the returns. St. 1883, c. 33, § 3.

The time for filing the annual statement may be extended for cause to February 15. St. 1884, c. 217.

SECTS. 227, 228. Foreign fire insurance companies are not obliged to return their foreign business and assets, but if they do not, they may not announce them under penalty of revocation of their license. St. 1884, c. 58.

## CHAPTER 124.

### OF THE RIGHTS OF A HUSBAND IN THE REAL ESTATE OF HIS DECEASED WIFE, AND THE RIGHTS OF A WIFE IN THAT OF HER DECEASED HUSBAND.

SECT. 1. The words "If his wife does not otherwise provide by her will," are stricken out. St. 1885, c. 255, § 2.

## CHAPTER 125.

## OF THE DESCENT OF REAL ESTATE.

SECT. 4. The property of an illegitimate child descends to his relatives through his mother, if she is dead. St. 1882, c. 132.

## CHAPTER 126.

## GENERAL PROVISIONS CONCERNING REAL ESTATE.

SECTS. 5, 6. A conveyance to a husband and wife no longer creates an estate in joint tenancy without express words. St. 1885, c. 237.

## CHAPTER 130.

## OF THE APPOINTMENT OF ADMINISTRATORS.

SECT. 1. Administration may be granted to one or more of the next of kin when the widow and all the other next of kin resident here and of age consent. Notice may be dispensed with. St. 1885, c. 260.

SECTS. 2, 8. Administrators may be allowed to give a bond without sureties as executors are under chap. 129, § 8. St. 1885, c. 274.

SECT. 4 is amended so that if any property or claim or right thereto belongs or accrues to such estate after twenty years, original administration may be granted on it. St. 1885, c. 242.

SECTS. 10-17. A special administrator, by leave of the probate court, may pay the expenses of the executor in proving the will. St. 1884, c. 291.

## CHAPTER 131.

## OF PUBLIC ADMINISTRATORS.

SECT. 18. Claims under this section are limited to one year after the money is deposited. St. 1883, c. 264.

## CHAPTER 135.

## OF ALLOWANCES TO WIDOWS AND CHILDREN AND OF THE DISTRIBUTION OF THE ESTATES OF INTESTATES.

SECT. 3, cl. 3. The husband, instead of the whole, is given one-half of the personal estate of his deceased wife. St. 1882, c. 141.

SECT. 3, cl. 5. If the intestate leaves a widow and no kindred, the widow shall be entitled to the whole of the residue. St. 1885, c. 276.

## CHAPTER 139.

## OF GUARDIANSHIPS.

SECTS. 1-3. The Boston Children's Friend Society may be appointed the guardian of minors. St. 1885, c. 362.

## CHAPTER 140.

## OF SALES AND MORTGAGES OF REAL ESTATE BY GUARDIANS.

SECT. 18. The right to license guardians to sell at private sale is no longer limited to undivided interests. St. 1885, c. 258.

## CHAPTER 143.

## GENERAL PROVISIONS RELATIVE TO BONDS OF EXECUTORS, ADMINISTRATORS, GUARDIANS AND TRUSTEES.

SECT. 1. Foreign fidelity insurance companies may be sureties on probate bonds. St. 1885, c. 241.

Companies may be formed to act as sureties on probate bonds. St. 1884, c. 296.

## CHAPTER 144.

## OF THE ACCOUNTS AND SETTLEMENTS OF EXECUTORS, ADMINISTRATORS, GUARDIANS AND TRUSTEES.

SECT. 16. Legacies due to persons whose residence is unknown may be ordered to be deposited under this section. St. 1885, c. 376.

## CHAPTER 146.

## OF DIVORCE.

Statistics as to libels of divorce must be furnished by the clerks of the courts to the secretary of state, who prepares abstracts and tables for the legislature. St. 1882, c. 194.

SECT. 1. Divorce may be decreed for absence which would raise a presumption of death. St. 1884, c. 219.

SECT. 19. The application for final decrees is to be made, without further notice, to the court, or a justice of it, instead of the clerk. St. 1882, c. 223.

## CHAPTER 147.

## OF CERTAIN RIGHTS AND LIABILITIES OF HUSBAND AND WIFE.

A wife shall have the right of interment in any lot or tomb which her husband owned during coverture, unless she has released it. St. 1883, c. 262.

SECTS. 1, 6. A married woman living separate by decree may devise or convey her property free from all rights in her husband. St. 1884, c. 301; St. 1885, c. 255.

SECT. 3. The words "a husband and wife shall not transfer property to each other" are so changed that the chapter shall not "authorize" such transfer. The change applies to all transfers made since the enactment of the Public Statutes. St. 1884, c. 132.

SECT. 6. Where it has been established by decree that a married woman is deserted or living apart from her husband for justifiable cause, her will cuts off his rights. St. 1885, c. 255.

## CHAPTER 148.

## OF THE ADOPTION OF CHILDREN AND THE CHANGE OF NAMES.

SECTS. 11-14. A list of all names changed by special act or under the General or Public Statutes is to be published and distributed. St. 1884, c. 249.

## CHAPTER 150.

## OF THE SUPREME JUDICIAL COURT.

SECT. 2, cl. 11. Double costs and interest at twelve per cent. may be given for frivolous appeals or exceptions on the motion of the other party or without it. St. 1883, c. 223, § 15.

SECT. 31. The law term for Worcester is hereafter to be held on the third Monday after the second Tuesday of September instead of on the third Tuesday. St. 1885, c. 48.

SECT. 39. Justices of the supreme court, after ten years service and attaining seventy years of age, may retire on three-fourths of the salary. St. 1885, c. 162.

## CHAPTER 151.

## OF THE SUPREME JUDICIAL COURT; EQUITY JURISDICTION.

SECT. 2, cl. 11. The provisions for reaching the property of debtors are extended. The debt may be less than one hundred dollars. The interest of a partner may be reached. St. 1884, c. 285.

SECT. 7. The forms in equity are established. Suits in equity may be brought where transitory actions now are. No action shall be defeated because the form ought to be law instead of equity or *vice versa*. St. 1883, c. 223, § § 10, 13, 17.

## CHAPTER 152.

## OF THE SUPERIOR COURT.

SECT. 2. The salary of the chief justice is raised from \$4,800 to \$5,300, and that of the other justices from \$4,500 to \$5,000. St. 1882, c. 205.

SECT. 4. General equity jurisdiction is given and the practice in equity is regulated. St. 1883, c. 223.

The return day of process is to be computed from the service and not from the date. St. 1884, c. 316.

SECT. 8. The affidavit and request for removal may be filed within thirty days after the day for appearance. St. 1885, c. 384, § 14.

SECT. 17. The number of criminal terms for Hampden is increased from two to three. They are to be held on the first Monday of May, the fourth Monday of September and the third Monday of December. St. 1885, c. 27.

SECT. 17. The criminal term in Essex on the second Monday of May is changed to the first Monday. St. 1885, c. 191.

SECT. 18. The superior court in Plymouth may be adjourned to Brockton, but no longer to Bridgewater. St. 1885, c. 134.

## CHAPTER 153.

## OF MATTERS COMMON TO THE SUPREME JUDICIAL COURT AND THE SUPERIOR COURT.

SECTS. 10, 13. When disability or death of the justice prevents him from signing bills of exceptions they may be proved as if they were disallowed by him. St. 1882, c. 239.

## CHAPTER 154.

## OF THE POLICE, DISTRICT AND MUNICIPAL COURTS.

SECT. 1. The session of the district court of Hampshire, required by St. 1882, c. 227, to be at Cummington, is made discretionary with the justice. St. 1883, c. 75.

The clerk need not attend except at Northampton, but makes his record from the minutes of the judge. St. 1883, c. 80.

Sessions of the district court of Northern Berkshire are established at Adams. St. 1884, c. 266.

SECT. 2. For the police court of Cambridge is substituted the third district court of Eastern Middlesex, including Cambridge, Arlington and Belmont. The fourth district court of Eastern Middlesex is established, including Woburn, Winchester and Burlington. St. 1882, c. 233.

Police courts are established in Marlborough and Brookline. St. 1882, c. 233.

The district court of Hampshire is established with a district, including the county. St. 1882, c. 227.

The town of Hopkinton is taken from the district of the first district court of Southern Middlesex. St. 1882, c. 169.

The first district court of Northern Worcester is established. St. 1884, c. 215.

The city of Brockton and the towns of Bridgewater and West Bridgewater are made a district for the police court of Brockton, with a justice at a salary of \$1,600 and a clerk at \$800. The first district court of Plymouth is abolished and its business is transferred to the police court of Brockton. St. 1885, c. 155.

SECTS. 4 to 10. The justices may interchange services as they may find convenient. St. 1885, c. 132.

SECT. 5. The police court of Chelsea is given a clerk. St. 1882, c. 176.

And the second district of Eastern Middlesex. St. 1883, c. 97.

And the district court of Hampshire. St. 1883, c. 80.

And the municipal court for the Dorchester District. St. 1885, c. 79.

The clerkship of the district court of Southern Berkshire is abolished. St. 1884, c. 231.

SECT. 11. The criminal jurisdiction of police and district courts is extended. Provision is made for crimes committed near the line of the district. St. 1885, c. 322.

And to cases under chapter 57, relating to the sale and inspection of milk. St. 1885, c. 149.

SECT. 16. This section, which provides that writs from certain courts may run into other counties, is made to apply to all district, police and municipal courts. St. 1885, c. 45; superseding St. 1884, c. 216, § 5.

SECT. 25. When no justice is present at a police or district court the sheriff or his deputy may adjourn it. St. 1884, c. 188.

SECT. 26. Special justices of the district of Hampshire are allowed their travelling expenses, not exceeding one hundred dollars. St. 1884, c. 205.

SECT. 39. Section 52 of this chapter requiring a bond instead of a recognizance in the municipal courts of Boston is extended to the other municipal, police and district courts. St. 1882, c. 95.

SECT. 42. The justice of the several municipal courts of Boston may act for each other in certain cases. St. 1882, c. 43.

Winthrop is added to the East Boston district. St. 1882, c. 146.

SECT. 55. Another associate justice is added to the municipal court in Boston, making three in all. St. 1882, c. 41.

SECT. 58. The clerk of the municipal court in Boston for criminal business is paid \$1,600 instead of \$1,900, to be expended for extra clerical assistance. St. 1883, c. 47.

A second assistant to the clerk for civil business at a salary of sixteen hundred dollars per year may be appointed. St. 1885, c. 42, § 2.

A fifth assistant clerk may be appointed. St. 1885, c. 137.

SECT. 62. An additional session may be held by the special justice when requested by the chief or senior justice, he receiving ten dollars per day therefor. St. 1885, c. 42.

SECT. 64. The salaries of the justices are increased as follows :

	From	To.
Southern Berkshire, 1884, c. 231, . . . . .	\$800	\$1,200
Brighton, 1885, c. 49, . . . . .	1,200	1,600
Brookline, 1882, c. 233, . . . . .	—	800
1884, c. 211, . . . . .	800	1,000
Dorchester, 1885, c. 79, . . . . .	1,200	1,600
East Boston, 1882, c. 245, . . . . .	1,200	1,500
First Bristol, 1884, c. 220, . . . . .	600	800
First Essex, 1882, c. 245, . . . . .	1,600	1,800
Fitchburg, 1882, c. 245, . . . . .	1,000	1,200

## TABLE OF CHANGES.

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	From.	To.
Hampshire, 1882, c. 227, . . . . .	—	\$2,800
Haverhill, 1882, c. 245, . . . . .	\$1,400	1,800
Marlborough, 1882, c. 233, . . . . .	—	1,000
First Eastern Middlesex, 1882, c. 245, . . . . .	1,200	1,500
Third Eastern Middlesex, 1882, c. 233, . . . . .	—	2,200
Fourth Eastern Middlesex, 1882, c. 233, . . . . .	—	1,200
Newburyport, 1882, c. 245, . . . . .	700	1,200
Somerville, 1882, c. 245, . . . . .	1,200	1,400
South Boston, 1882, c. 245, . . . . .	1,800	2,000
West Roxbury, 1883, c. 111, . . . . .	1,200	1,600
First Eastern Worcester, 1884, c. 208, . . . . .	800	1,000
Second Eastern Worcester, 1882, c. 245, . . . . .	800	1,000
First Northern Worcester, 1884, c. 215, . . . . .	—	1,200
Third Southern Worcester, 1882, c. 245, . . . . .	1,400	1,600

The salary of the justice of the district court of Hampshire is reduced from \$2,800 to \$2,300, he being given a clerk. St. 1883, c. 75.

The salaries of the clerks are increased as follows :

	From.	To.
Central Berkshire, 1882, c. 245, . . . . .	\$600	\$800
Boston Civil, 1882, c. 245, . . . . .	2,250	3,000
Criminal, 1885, c. 137, . . . . .	2,250	3,000
Assistant Criminal, 1885, c. 137, . . . . .	—	1,400
Chelsea, 1882, c. 176, . . . . .	—	800
1884, c. 197, . . . . .	800	900
Dorchester, 1885, c. 79, . . . . .	—	600
East Boston, 1882, c. 245, . . . . .	1,000	1,100
First Essex, 1882, c. 245, . . . . .	1,000	1,300

	From.	To.
Fitchburg, 1882, c. 245, . . . . .	\$500	\$700
Gloucester, 1883, c. 53, . . . . .	600	800
Hampshire, 1883, c. 80, . . . . .	—	600
Haverhill, 1882, c. 245, . . . . .	600	800
Holyoke, 1884, c. 65, . . . . .	750	1,000
Lowell, 1882, c. 63, . . . . .	1,000	1,200
Marlborough, 1882, c. 233, . . . . .	—	400
First Eastern Middlesex, 1882, c. 87, . . . . .	800	1,000
Second Eastern Middlesex, 1883, c. 97, . . . . .	400	600
Second Eastern Middlesex, 1885, c. 180, . . . . .		
Third Eastern Middlesex, 1882, c. 233, . . . . .	—	1,200
Fourth Eastern Middlesex, 1882, c. 233, . . . . .	—	600
Newburyport, 1882, c. 245, . . . . .	600	700
First Plymouth, 1883, c. 57, . . . . .	500	600
Somerville, 1882, c. 245, . . . . .	600	800
South Boston, 1882, c. 245, . . . . .	1,200	1,400
Central Worcester, assistant, 1882, c. 245, . . . . .	800	1,000
Second Eastern Worcester, 1882, c. 245, . . . . .	400	500
First Northern Worcester, 1884, c. 215, . . . . .	—	600
First Northern Worcester, 1885, c. 286, . . . . .	600	800

## Of the constables :

	From.	To.
Boston, civil (2), 1882, c. 245, . . . . .	\$1,000	\$1,100
criminal (6), 1882, c. 245, . . . . .	1,200	1,300
East Boston, 1882, c. 245, . . . . .	1,000	1,100
South Boston, 1882, c. 245, . . . . .	1,000	1,100
Roxbury, 1882, c. 245, . . . . .	1,000	1,100

SECT. 64. The clerk of the fourth district court of Plymouth is allowed his travelling expenses not exceeding one hundred dollars. St. 1884, c. 204.

SECT. 69. The salary of the messenger of the superior court in Suffolk is increased from \$1,400 to \$1,500. St. 1883, c. 54.

## CHAPTER 155.

## OF JUSTICES OF THE PEACE AND TRIAL JUSTICES.

SECT. 3, which authorizes them to summon witnesses, is redrawn. St. 1885, c. 141.

SECT. 4. The power of justices authorized to issue warrants is modified. St. 1884, c. 286.

SECTS. 43-66. Trial justices have the same jurisdiction to sentence male persons to the Massachusetts Reformatory which district courts have. St. 1885, c. 356.

They shall have jurisdiction of cases under chapter 57 relating to the sale and inspection of milk. St. 1885, c. 149.

SECT. 49. Trial justices may not commit children under twelve to a jail, house of correction, house of industry or state workhouse, except for offences punishable by imprisonment for life. St. 1882, c. 127, § 1.

## CHAPTER 156.

## OF PROBATE COURTS.

SECTS. 22, 23. The probate judge in Suffolk may appoint a constable of the city of Boston to attend the session and serve orders and precepts. His salary is \$1,200. St. 1884, c. 140.

SECT. 35. In probate cases expenses as well as cost may be awarded. St. 1884, c. 131.

SECT. 44. The limit of expense of recording probate proceedings in Suffolk is raised from \$1,200 to \$2,000. St. 1884, c. 118.

SECT. 48. When the regular term falls on a legal holiday or on election day it shall be held on the day after, and notices to the regular term shall be deemed to be then returnable. St. 1884, c. 141.

In Hampden the court day is changed from Tuesday to Wednesday, and a court at Springfield is added in November and four days are given to Holyoke. St. 1884, c. 294.

## CHAPTER 157.

## OF COURTS OF INSOLVENCY.

Provision is made for composition with creditors. It does not apply to corporations. St. 1884, c. 236.

The provisions as to composition with creditors are amended. St. 1885, c. 353.

SECT. 26. Equitable liabilities may be proved. St. 1884, c. 293.

SECT. 84. No debt or claim against a pledge created by an unauthorized sale of the collateral shall be discharged. St. 1885, c. 353, § 6.

SECT. 102. Accounts of assignees in insolvency must be sworn to by the assignees or one of them. St. 1884, c. 126.

SECT. 103. Provision is made for the investment of unclaimed dividends in the name of the judge. St. 1883, c. 212.

## CHAPTER 158.

### OF JUDGES AND REGISTERS OF PROBATE AND INSOLVENCY.

SECT. 23. The salary of the judge in Middlesex is raised from \$2,500 to \$3,000. St. 1882, c. 129.

In Essex, from \$2,500 to \$3,000. St. 1883, c. 241. In Bristol, from \$1,800 to \$2,000. St. 1885, c. 165. In Worcester, from \$2,500 to \$3,000. St. 1885, c. 275. In Dukes county, from \$500 to \$600. St. 1885, c. 318. In Suffolk, from \$4,000 to \$5,000. St. 1885, c. 203.

Of the judge and register of probate for Berkshire respectively, from \$1,200 to \$1,600. St. 1884, c. 192.

Of the assistant register in Suffolk, from \$1,500 to \$2,000. St. 1882, c. 144.

Of the register in Hampden County, from \$1,600 to \$1,800. St. 1884, c. 248.

SECTS. 23, 24. A sum not exceeding \$1,500 additional is allowed for clerical assistance in Middlesex County. St. 1885, c. 304.

SECT. 24. In Suffolk the allowance for clerical assistance may be \$1,200. St. 1885, c. 205.

## CHAPTER 159.

### OF CLERKS, ATTORNEYS AND OTHER OFFICERS OF JUDICIAL COURTS.

Clerks of the superior court and of the municipal court of Boston may use a fac-simile of their signatures upon writs, summons, orders of notice to appear and orders of attachment, except executions. St. 1885, c. 321.

SECT. 31. The salary of the second assistant clerk for civil business is raised from \$2,000 to \$2,500. St. 1885, c. 250.

SECT. 34. The provisions relating to the qualification and admission to practice of attorneys at law apply to women. St. 1882, c. 139.

SECT. 44. The clause forbidding any person to appear as counsel or attorney in any suit determined by him as judge or trial justice is extended to any proceeding, civil or criminal. St. 1884, c. 170.

SECT. 50. The compensation of masters and special masters in chancery and of assessors appointed by the court is paid by the county. St. 1883, c. 216.

SECT. 68. Deputies in attendance on the supreme judicial court in Suffolk, not exceeding four in number, are paid a salary of fourteen hundred dollars instead of \$4.50 per day and travel. St. 1882, c. 232.

SECT. 69. Officers attending the superior court are paid fifteen hundred dollars instead of fourteen hundred dollars, as before. St. 1882, c. 215, § 3.

The superior court may appoint official stenographers in each county except Suffolk. St. 1885, c. 291.

#### CHAPTER 160.

##### SPECIAL PROVISIONS RESPECTING COURTS AND THE ADMINISTRATION OF JUSTICE.

SECT. 4. When Christmas falls on Sunday the day following is added to the days on which the courts are not open. St. 1882, c. 49.

SECTS. 7-10. The laws as to naturalization are revised and jurisdiction given to the lower courts. St. 1885, c. 345.

#### CHAPTER 161.

##### OF THE COMMENCEMENT OF ACTIONS AND THE SERVICE OF PROCESS.

SECT. 1. The venue of equity suits is the same as that of transitory actions. St. 1883, c. 223, § 13.

SECT. 10. The motion for removal may be filed within thirty days after the day for appearance. St. 1885, c. 384, § 14.

SECT. 23. Writs are to be made returnable on the first Monday of each month, terms being abolished. St. 1884, c. 384, §§ 1, 2.

#### CHAPTER 163.

##### OF BAIL.

SECT. 12. The bail are also discharged on paying costs if the principal dies. St. 1884, c. 260.

#### CHAPTER 164.

##### OF PROCEEDINGS AGAINST ABSENT DEFENDANTS AND UPON INSUFFICIENT SERVICE.

SECT. 6. When real estate of a non-resident is attached notice must be given him within one year or the suit must be dismissed. St. 1884, c. 268.

SECT. 7. A default is entered on failure to appear within ten days after the day specified in the notice. St. 1885, c. 384, § 8.

#### CHAPTER 167.

##### OF PLEADING AND PRACTICE.

Terms of the courts are abolished, but sittings shall be held when and where the terms are now appointed. The courts are always open. Return days for writs and other process are established on the first Monday of every month. The practice of the courts is adapted to these changes. St. 1885, c. 384.

SECT. 9. Instead of the failure to file declaration being a discontinuance, the action may be dismissed on motion. St. 1885, c. 384, § 6.

SECT. 17. Any matter which would entitle the defendant in equity to be absolutely relieved from the plaintiff's claim may be alleged. St. 1883, c. 223, § 14.

SECT. 24. Equitable defences may be relied on in reply to the defendant's answer. St. 1883, c. 223, § 14.

SECTS. 46, 47 are repealed. St. 1885, c. 384, § 15.

SECT. 67. Where there are two or more shire towns the shire town at which an action shall be tried may be designated at the term of entry and then it shall not be tried elsewhere nor costs given for terms held elsewhere. St. 1882, c. 261.

The parties may agree that an action shall not be tried before a certain day. St. 1884, c. 304.

## CHAPTER 169.

### OF WITNESSES AND EVIDENCE.

SECT. 1. Every clerk of a court of record may issue summonses in all cases, but a justice of the peace only in civil cases, unless requested by the prosecuting officer or the party prosecuted, and in the latter case it must be expressed in the subpoena. St. 1884, c. 247, is repealed. St. 1885, c. 141.

SECTS. 7, 8. The board of police commissioners are added to the bodies which may call witnesses before them, and if they do not attend, the chairman may issue a warrant. St. 1882, c. 267.

Justices of the supreme or superior courts may compel witnesses to appear before special tribunals which have power to summon but not to compel their attendance. St. 1883, c. 195.

SECTS. 28, 41. Where the adverse party does not appear to defend, no notice of the taking of depositions and no exhibition of interrogatories is required. St. 1883, c. 188.

SECT. 54. In case of depositions in perpetuam memoriam of parties without the state, the court shall order reasonable notice to non-resident parties interested. St. 1882, c. 140.

SECT. 70. Copies of the records, books and accounts of savings banks verified by affidavit are made evidence. St. 1885, c. 92.

## CHAPTER 171.

### OF JUDGMENT AND EXECUTION.

New provisions are made as to the time of entering judgment. St. 1885, c. 384.

SECTS. 17, 24. A general execution may be issued or the plaintiff may have *scire facias* where the defendant fails to obtain a discharge or unreasonably delays to prosecute the proceedings. St. 1885, c. 59.

SECT. 51. In case of sickness or absence of the officer serving the execution, he, or the judgment creditor, may delegate another officer to act. St. 1885, c. 125.

## CHAPTER 172.

## OF THE LEVY OF EXECUTION ON REAL ESTATE.

SECT. 30. Execution sales where the sale is restrained may be adjourned until the further order of the court granting the injunction. On the final determination of the injunction the court may order the sale to proceed and farther notice to be given. St. 1885, c. 175.

## CHAPTER 176.

## OF PETITIONS FOR THE SETTLEMENT OF TITLE.

After possession for twenty years by the mortgager he may apply to the supreme court, and if it appears that there has been no act of recognition during that time, any action is barred. St. 1882, c. 237; St. 1885, c. 283.

## CHAPTER 178.

## OF THE PARTITION OF LAND.

SECT. 13. The affidavit for removal may be filed within thirty days after the day for appearance. St. 1885, c. 384.

SECT. 51. The notice of the petition is to be published in "such newspaper or newspapers," instead of in "newspapers." St. 1882, c. 55.

SECT. 63 is amended as stated in the published editions of the Public Statutes. St. 1882, c. 6, § 2.

SECT. 45, *et seq.* Probate courts may make a partial division setting off to the petitioner his share and allowing the residue to remain in common. St. 1885, c. 293.

## CHAPTER 181.

## OF THE REDEMPTION AND FORECLOSURE OF MORTGAGES.

SECT. 17. The notice of sale under a mortgage of real estate, if there is no newspaper in the town, may be given in some newspaper in the county. St. 1882, c. 75.

## CHAPTER 183.

## OF CERTAIN WRITS AND PROCEEDINGS IN SPECIAL CASES.

SECT. 10. Appearance and answer must be within ten days from the return day of the writ. St. 1885, c. 384, § 9.

SECT. 73. When pending the trustee process, the defendant sues the trustees, the costs in such suit are in the discretion of the court. St. 1883, c. 62.

## CHAPTER 185.

## OF HABEAS CORPUS AND PERSONAL REPLEVIN.

SECT. 18 is amended as stated in the published edition of the Public Statutes. St. 1882, c. 6, § 3.

## CHAPTER 187.

## OF WRITS OF ERROR AND WRITS OF AND PETITIONS FOR REVIEW.

SECT. 39. A stay of execution may be ordered without security when the petitioner had no actual knowledge of the action before judgment was entered. St. 1882, c. 249.

## CHAPTER 192.

## OF MORTGAGES, CONDITIONAL SALES, PLEDGES AND LIENS ON PERSONAL PROPERTY.

SECTS. 1, 2 are repealed and two new sections are substituted. The new sections differ in requiring the mortgage to be recorded within fifteen days from the date written therein. If it must be recorded in two places, the second record must be within ten days of the first. The mortgage is not good except between the parties until so recorded, and a record after the time fixed is void. St. 1883, c. 73.

SECT. 17. Debts or claims against a pledgee created by an unauthorized sale of the collateral are not discharged in insolvency. St. 1885, c. 353.

SECT. 13. Conditional sales of furniture or household goods are regulated. St. 1884, c. 313.

## CHAPTER 198.

## OF COSTS IN CIVIL ACTIONS.

SECT. 25. Appeals, from taxation of costs by the clerk, if during the term, shall be heard by the justice before adjournment. St. 1882, c. 235.

SECT. 28. The term fees which are allowed to the prevailing party are limited. St. 1882, c. 264.

## CHAPTER 199

## OF THE FEES OF CERTAIN OFFICERS.

SECT. 6. The fees of officers for travel to summon witnesses in criminal cases under twenty miles are raised. The distance is computed from the most distant place of service to the place of return. When the officer has not actually travelled the distance, the court may reduce the amount. St. 1882, c. 215.

SECT. 9. In the service of criminal precepts the officer is allowed fifteen cents a mile for a horse and carriage if he uses his own, and the sum actually expended if he uses those of another, but he must make certificate of the necessity and the distance and sum paid. St. 1885, c. 254.

## CHAPTER 203.

## OF OFFENCES AGAINST PROPERTY.

Making false statements of the distance which the person intends to travel when hiring a horse, or of the distance actually travelled, or refusing to pay the hire, is made a crime. St. 1882, c. 236.

Wantonly or recklessly setting fire to any material which causes the destruction of growing or standing wood is punished. St. 1882, c. 163.

SECT. 40. Embezzlement by agents, clerks, etc., is made to cover officers of voluntary associations and societies. St. 1884, c. 174.

SECT. 56 is extended to agents, clerks, or servants or officers of persons and firms and to the omission to make a true entry as well as the making a false entry. St. 1885, c. 223.

SECT. 79. Detaining, without cause, books, etc., taken from public libraries, is punished. St. 1883, c. 77.

The mutilation of maps, newspapers, magazines, pamphlets and manuscripts, is also punished, and to the libraries is added, "incorporated libraries." St. 1883, c. 81.

SECT. 99. A person may, by notice, prohibit shooting or trapping on his land, and game artificially propagated on such land is his. St. 1884, c. 308.

SECT. 99. Wilful trespass on lands appurtenant to prisons or houses of correction, disturbance of such institution or communication with the inmates, is punished. St. 1885, c. 303.

SECT. 101. Tearing down, removing, or defacing a town meeting warrant, list of voters or jurors, or other legal notice, is punished. St. 1883, c. 156.

SECT. 103. Malicious defacing of milk cans is punished. St. 1885, c. 133.

## CHAPTER 207.

## OF OFFENCES AGAINST CHASTITY, MORALITY AND GOOD ORDER

The exhibition of persons deformed is forbidden. St. 1884, c. 99.

SECT. 15. The sale or distribution to minors of papers devoted to criminal news or reports of crime is forbidden and whoever employs minors or permits them, if under his control, to be employed in such distribution is punished. St. 1885, c. 305.

SECT. 26. The maximum fine for drunkenness is increased from one to five dollars, and the maximum imprisonment for non-payment from ten days to thirty days. The county commissioners may release persons so confined. St. 1885, c. 375.

SECT. 27. Male persons convicted of a third offence of drunkenness may be sentenced to the reformatory for not less than one year and not more than two years. St. 1885, c. 365.

SECT. 28. Keeping any place for opium smoking, selling or giving away opium at such place, or resorting to it to smoke are punished. St. 1885, c. 73.

SECTS. 29, 42. Rogues, vagabonds, vagrants and others named in these sections, may be sent to the state workhouse as tramps now are under section 38. St. 1884, c. 258.

Male persons committing the offences named in these sections may be sentenced to the reformatory for not less than one year and not more than two years. St. 1885, c. 365, § 1.

SECT. 34. Persons disorderly or indecent in speech or behavior on public conveyances are punished. St. 1883, c. 102.

The wilful disturbance of persons in a public library or reading-room is punished. St. 1885, c. 225.

SECT. 69. This section is repealed and a substitute enacted extending the provisions against discrimination in public places on account of race or color. St. 1885, c. 316.

## CHAPTER 208.

### OF OFFENCES AGAINST PUBLIC HEALTH.

The making or selling of any drug or article of food which is adulterated is punished. Adulteration is defined. Such compounds as are recognized as ordinary articles of food or drink are exempt if so marked. Provision is made for analyzing samples. St. 1882, c. 263; St. 1884, c. 289.

The state board may expend annually in enforcing the laws against adulterations not exceeding ten thousand dollars of which three-fifths must be for enforcing the laws against adulterations of milk. They must report the prosecutions and an itemized account of the expenditure. St. 1884, c. 289, § 1.

## CHAPTER 209.

### OF OFFENCES AGAINST PUBLIC POLICY.

Property shall not be sold or exchanged by inducement of any gift. St. 1884, c. 277.

## CHAPTER 212.

### OF SEARCH WARRANTS, REWARDS, ARRESTS, EXAMINATION, COMMITMENT, BAIL AND PROBATION.

Children under twelve, not accused of offences punishable by imprisonment for life nor truants, are not to be arrested until they neglect to appear on summons, nor to be committed in default of bail, nor on sentence. St. 1882, c. 127.

SECT. 2. Warrants may also issue to search for pool tickets or other materials unlawfully made, provided or procured for the purpose of buying or selling pools. St. 1885, c. 342, § 2.

SECTS. 2, 9. Gaming apparatus seized under § 2, cl. 7 is to be sold or disposed of under § 9. St. 1885, c. 66.

SECT. 26. The court or justice, on adjourning a trial or examination where the offence is punishable with death or imprisonment for life, may bind over the government witnesses according to section 37 to 41 of this chapter; the fee is twenty cents. St. 1885, c. 136.

Where a trial justice adjourns an examination or trial and then fails to appear, another justice may complete the proceedings. The records are to be made up by the justice rendering the final decision. St. 1883, c. 175.

SECT. 51. The latter clause of this section, forbidding justices outside Suffolk from receiving compensation for taking bail, is repealed. St. 1885, c. 135.

SECT. 68. The person ordered to recognize may deposit the money with any officer authorized to take his recognizance, instead of being restricted to the magistrate or clerk of the court ordering it. St. 1882, c. 134.

SECT. 78. Two additional probation officers may be appointed in Boston. The requirement that the officers be appointed in May is struck out. St. 1882, c. 125.

#### CHAPTER 213.

#### OF INDICTMENTS, PROSECUTIONS AND PROCEEDINGS BEFORE TRIAL.

SECT. 17 is extended to cover prosecutions under rules of the civil service commissioners, of boards of health, and of boards of police or fire commissioners. St. 1885, c. 144.

#### CHAPTER 214.

#### OF TRIALS AND PROCEEDINGS BEFORE JUDGMENT.

SECT. 1. A list of criminal cases for trial is made compulsory, instead of discretionary with the court. St. 1884, c. 193.

#### CHAPTER 215.

#### OF JUDGMENT AND EXECUTION.

Convicts punishable by imprisonment in the house of correction may be sent to jail instead, and those undergoing sentence may be removed from one to the other. St. 1882, c. 241.

Sentences to imprisonment for successive terms are allowed. St. 1884, c. 265.

SECT. 18. No child under twelve can be imprisoned except on charges punishable by imprisonment for life or for truancy, but must be committed to the custody of the State board of health. St. 1882, c. 127.

CHAPTER 218.

OF FUGITIVES FROM JUSTICE AND PARDONS.

SECT. 14. Where the condition of a pardon is broken and the convict is remanded to serve out the residue of his sentence, if he is then serving another sentence, his confinement is to begin from the expiration of that. St. 1882, c. 197.

CHAPTER 219.

OF THE COMMISSIONERS OF PRISONS.

The commissioners may transfer prisoners, except those confined for capital crimes, to hospitals for surgical treatment. The time of their sentence runs while there. St. 1882, c. 207.

SECT. 4. They may remove prisoners from jails to houses of correction, and *vice versa*. St. 1882, c. 241.

SECT. 6. Vagrants or tramps may also be removed to the state work-house under this section. St. 1885, c. 35, § 1.

SECT. 17. The number of prisoners who may be employed in certain occupations is limited. St. 1883, c. 217.

SECT. 34. The heads of police and others making arrests are required to make monthly reports. St. 1882, c. 226, § 2.

SECTS. 34, 35. The blanks for the returns of criminal business made by clerks of courts and other officers, under these sections, are furnished by the commissioners of prisons, who prescribe the form. St. 1882, c. 226, § 1.

SECT. 36, prescribing the form, is repealed. St. 1882, c. 226, § 3.

SECT. 39. The sum allowed for clerical assistance of the commissioners is increased from seven hundred dollars to seventeen hundred dollars. St. 1885, c. 52.

CHAPTER 220.

OF JAILS AND HOUSES OF CORRECTION.

SECT. 2. The sheriff may remove prisoners at his discretion between jails and houses of correction. St. 1882, c. 241, § 2.

SECT. 40. The number of prisoners who may be employed in certain trades is limited. St. 1883, c. 217.

SECT. 49. Clerical error corrected. St. 1882, c. 6, § 4.

SECT. 50. Escapes from officers who have taken prisoners out to perform labor on any public land, are made escapes from prison and punished. St. 1882, c. 198.

SECTS. 66, 68. All the provisions as to persons released under section 68 are applied to section 66. St. 1884, c. 152, § 4.

SECT. 68. Any violation of permits to be at liberty issued to a prisoner, of itself renders them void, and an order of arrest and recommitment may issue. The time during which he has been at liberty shall not be taken to be any part of the term of his sentence. St. 1884, c. 152, §§ 1, 2.

## CHAPTER 221.

## OF THE STATE PRISON AND REFORMATORY PRISON FOR WOMEN.

A reformatory for men is established. St. 1884, cc. 255, 331.

The prison commissioners may remove any person held under sentence at the state workhouse to the Massachusetts Reformatory. The provisions of St. 1884, c. 255, apply to such removal. St. 1885, c. 35, § 2.

Trial justices may sentence to the reformatory prison. St. 1885, c. 356.

Persons convicted of drunkenness and vagrancy under chapter 207, sections 27, 29, 42, may be sent to the reformatory prison. St. 1885, c. 365.

SECT. 1. The state prison is removed from Concord to Boston. St. 1884, c. 255, § 1.

SECT. 6. The number of officers at the state prison is changed: the turnkeys are reduced from eleven to four; the watchmen increased from ten to twenty-three; the assistant watchmen shall not exceed twenty-three, instead of fifteen, and no additional watchmen can be employed. St. 1882, c. 203, § 1.

SECT. 8. The commissioners have no longer any share in the removal of the warden. St. 1882, c. 203, § 2.

SECT. 11. The compensation of officers, except the warden, chaplain and physician, is fixed by the warden, subject to the approval of the commissioners, but it may not exceed the maximum stated. St. 1882, c. 203, § § 3, 4; St. 1884, c. 95.

SECT. 43. A burial place for the reformatory prison at Sherborn may be purchased. St. 1882, c. 213.

Prisoners may be employed on land appurtenant to the prison. Escapes or attempts to escape from the prison or the land adjacent to the prison, are punished, and the first district court of Southern Middlesex is given concurrent jurisdiction of such offence. St. 1885, c. 94.

SECTS. 43-53. The duties of schoolmistress at the reformatory prison for women are transferred to the chaplain and the office is abolished. St. 1884, c. 43, § § 1, 2.

SECT. 44. The office of treasurer and steward at the reformatory prison is abolished. St. 1883, c. 267.

SECT. 47. The salary of the deputy superintendent of the reformatory prison for women, now \$600, is to be fixed by the commissioners of prisons, but it shall not exceed \$800. St. 1884, c. 43, § 2.

SECT. 52. Any violation of a permit to be at liberty issued to a prisoner, of itself renders it void, and an order of arrest and recommitment may issue, and the time during which he has been at liberty shall not be taken to be any part of the time of his sentence. St. 1884, c. 152, § § 1, 2.

## CHAPTER 222.

## SPECIAL PROVISIONS CONCERNING PENAL AND OTHER PUBLIC INSTITUTIONS.

SECT. 10. Any prisoner confined in the Massachusetts Reformatory who becomes insane, may be removed to one of the state lunatic hospitals, and on his recovery recommitted to the reformatory. St. 1885, c. 320.

SECT. 17. Where a poor convict has been confined three months for non-payment of fine or costs, if there is no police or district court in the county, the jailer shall make a report thereof to a trial justice, who has authority to hear the matter and discharge him. St. 1882, c. 201.

SECT. 20. Any violation of a permit to be at liberty issued to a prisoner, of itself renders it void, and an order of arrest and recommitment may issue and the time during which he has been at liberty shall not be taken to be any part of the time of his sentence. St. 1884, c. 152, § 3.

SECT. 21. Recommitments are hereafter made by the board granting the permit to be at liberty, but warrants already issued may be served and the proceedings under them be completed according to the existing law. If the person is in prison, the order of remand takes effect from the expiration of his pending sentence. St. 1884, c. 152, § 3.

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